



AGENDA
RIO DELL CITY COUNCIL
REGULAR MEETING – 6:30 P.M.
TUESDAY, JUNE 17, 2014
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL



WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

E. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Councilmembers present that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

F. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

- 1) 2014/0617.01 - Approve Minutes of the May 20, 2014 Regular Meeting (ACTION) 1
- 2) 2014/0617.02 - Approve Minutes of the June 3, 2014 Regular Meeting (ACTION) 14
- 3) 2014/0617.03 - Approve 1 year contract extensions with Rio Dell Employees' Association, Rio Dell Police Officers Association, City Clerk, Police Chief, Community Development Director, Water/Roadways Superintendent and Wastewater Superintendent from July 1, 2014 through June 30, 2015 (ACTION) 24
- 4) 2014/0617.04- Approve Resolution No. 1224-2014 Accepting the Deed from the County of Humboldt vacating and conveying a portion of Metropolitan Road to the City and authorizing the City Manager to execute the Certificate of Acceptance (ACTION) 38
- 5) 2014/0617.05 - Approve 1 year Memorandum of Understanding (MOU) with Eel River Disposal & Resource Recovery for a Green Waste Recycling Program and authorize the City Manager to sign (ACTION) 52
- 6) 2014/0617.06 - Approve Resolution No. 1226-2014 Adopting the Annual Gann Appropriations Limit for FY 2014-2015 (ACTION) 55

G. SPECIAL PRESENTATIONS

H. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2014/0617.07 - Approve Lease/Purchase Agreement for DocStar Document Management System (ACTION) 58
- 3) 2014/0603.08 - Approve Award of Bid for CDBG Ogle/Belleview Drainage Study (ACTION) 66

I. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2014/0617.09- Introduce and conduct first reading (by title only) of Ordinance No. 321-2014 and Resolution No. 1220-2014 Establishing Residential Multifamily Zoning Designation, Section 17.20.035 of the Rio Dell Municipal Code; a Zone Reclassification Redesignating approximately 8.7 acres from Urban Residential (UR) to Residential Multi-Family; Redesignating the Downtown City Parking Lot from Town Center (TC) to Public Facility (PF); Establishing Emergency Shelters/Transitional Housing Regulations, Section 17.30.079 of the Rio Dell Municipal Code; and amending Section 17.10 of the Rio Dell Municipal Code, Definitions to include Emergency Shelters/Transitional Housing (ACTION) 67

- 2) 2014/0617.10 - Introduce and conduct first reading (by title only) of Ordinance No. 322-2014 amending Rio Dell Municipal Code Section 13.10.130 Noting when Wastewater Fees are due and transferring Wastewater Fee authority from RDMC to Resolution No. 1222-2014 (**ACTION**) 101
- 3) 2014/0617.11 - Approve Resolution No. 1222-2014 establishing Wastewater Fees and Charges Based on 70% Fixed Rate and 30% Volume Rate and annual adjustment based on the annual CPI index (**ACTION**) 156
- 4) 2014/0617.12 - Approve Resolution No. 1225-2014 Adopting 2014-2015 Fiscal Year Budget (**ACTION**) 184

J. REPORTS/STAFF COMMUNICATIONS

- 1. City Manager
- 2. Chief of Police
- 3. Finance Director - **Check Register for May 2014** 213
- 4. Community Development Director

K. COUNCIL REPORTS/COMMUNICATIONS

L. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS: **No Closed Session Items Scheduled**

M. ADJOURNMENT

*The next regular meeting will be on July 1, 2014
at 6:30 p.m. in City Hall Council Chambers*

**RIO DELL CITY COUNCIL
REGULAR MEETING
MAY 20, 2014
MINUTES**

The closed session/regular meeting of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Thompson.

ROLL CALL: Present: Mayor Thompson, Councilmembers Johnson, Marks, Wilson, and Woodall

Others Present: (Closed Session) City Manager Stretch, Water/Roadways Superintendent Jensen and City Attorney Gans

(Regular Meeting) City Manager Stretch, Chief of Police Hill, Finance Director Woodcox, Community Development Director Caldwell, Water/Roadways Superintendent Jensen City Clerk Dunham and City Attorney Gans

Absent: Wastewater Superintendent Chicora (excused)

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

Conference with Legal Counsel – Pending Litigation – Name of Case: City of Rio Dell v. SHIN Consulting Engineers & Geologists, Inc. a California Corp. – Case No. DR130745

Conference with Legal Counsel – Anticipated Litigation – Consider initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Section 54956.9: (One potential case, facts and circumstances known to adverse parties): Access dispute, quiet title and prescriptive easement related to waterline maintenance and vehicular access along Old Ranch Road to City of Rio Dell Monument Springs Parcel (APN: 205-041-014). Potential adverse property owners along Old Ranch Road, include, without limitation, Cidoni, Coleman, Lewis and Humboldt Redwood Company

PUBLIC COMMENT REGARDING CLOSED SESSION

There was no one in the audience to comment on the closed session.

RECESS INTO CLOSED SESSION

The Council adjourned to closed session at 5:30 p.m.

ORAL ANNOUNCEMENTS

MAY 20, 2014 MINUTES
Page 2

The Council reconvened to open session at 6:30 p.m. City Attorney Gans announced the Council was in Closed Session to discuss the two (2) items as listed and that there was no reportable action taken.

PUBLIC PRESENTATIONS

Nick Angeloff addressed the Council and reported that the Upstate Rail Committee met and decided to put off further meetings until they find out the status of the TIGER grant application; said the Eagle Prairie Arts District Barbeque and Brew event went well although there was not a lot of beer sold; said there has been a lot of talk regarding establishment of a Main Street Planning Group and researching to see if it would be appropriate for Rio Dell; invited everyone to attend Little League Baseball games; and announced there would be a Wildwood Days planning meeting on Thursday and said it would be nice to have someone from the City participate in the planning.

Dave Griffith addressed the Council regarding the littering of cigarette butts throughout town and said he takes his dog for a walk every day and today picked up 54 butts between the area of DJ's Burger Bar and Bellevue Ave. He asked the Council to put something in the next City Newsletter asking citizens to be considerate and not throw out their cigarette butts. He presented the Council with a box of butts that he had collected and said he has placed several gallon cans painted white around the City to encourage people to dispose of their butts and said he will be placing more cans if he can get them.

CONSENT CALENDAR

Councilmember Marks asked that Item No. 4 be removed from the Consent Calendar for separate discussion.

Motion was made by Woodall/Johnson to approve the consent calendar including the approval of minutes of the April 15, 2014 regular meeting; approval of minutes of the May 9, 2014 special meeting; approval of amendment to agreement with Freshwater Environmental Services to include support services for update of the City of Rio Dell Water Shortage Contingency Plan; and approval to defer consideration of the Residential High Energy User Tax until spring 2015. Motion carried 5-0.

SPECIAL CALL ITEMS

(From Consent Calendar)

Update on Parking Enforcement Program

Councilmember Marks referred to the staff report as submitted and said when this item was first presented to the Council, the proposal was estimated at \$136.00/month for this group to process parking citations and collect the fees. then it was reported that the program was to be cost neutral. She said she is not sure where the \$3,337 is coming from as it was not mentioned in the

previous report and said she would like to see the program go forward. She recommended the item be tabled rather than eliminated.

Chief Hill explained initially the thought was that the program would be cost neutral however; as it went forward it was apparent that was not the case. He said he is exploring a different way of approaching parking enforcement and clarified that he is not abandoning the concept of parking enforcement but is concerned about the budget.

Consensus of the Council was to bring the matter back for further discussion.

SPECIAL PRESENTATIONS

Presentation by Michael O'Connor, CPA, R.J. Ricciardi, Inc. – FY 2012-2013 Audit

Michael O'Connor provided a presentation on the FY 2012-2013 Audit. He began by stating that in performing the audit of the basic financial statements of the City of Rio Dell for the fiscal year ended June 30, 2013, they did not identify any deficiencies in internal control that could be considered material weaknesses: as such the City received an unqualified opinion which is the best opinion that can be given.

He presented three (3) documents: *Basic Financial Statements; Management Report; and Single Audit Report* for the year ended June 30, 2013.

He continued with an overview of the Basic Financial Statements which consist of three (3) components: 1) government-wide financial statements; 2) fund financial statements; and 3) notes to the financial statements. He reported the analysis shows total assets to be \$30,636,033, total liabilities to be \$7,322,854 for a total net position at June 30, 2013 to be \$23,313,179.

He noted that the City's total revenue exceeded total expenditures by \$60,216 for the year.

Moving on to the Management Report, he then reviewed both current year and prior year recommendations. He stated that during the course of the audit, they noted that the City has not adopted a formal GASB 54 fund balance policy and recommended it be formalized and adopted by the City Council. He said there were four (4) recommendations made the prior year, all of which were implemented.

Councilmember Marks commented that ordinarily the auditor meets with the City Manager and a couple of City Councilmembers to address any concerns they may have and asked if that happened.

Mr. O'Connor stated that he spoke with the Mayor, the City Manager and the Finance Director while he was here and said he has an open door policy and welcomed the City Council members to contact him anytime they have questions.

MAY 20, 2014 MINUTES

Page 4

City Manager Stretch suggested Councilmembers go through the Finance Director with any questions for the auditor to keep her in the loop.

Councilmember Wilson stated that the documents were just presented to the Council so it was a little difficult to go over the information without having the opportunity to review them prior to the meeting.

Finance Director Woodcox apologized for not providing copies to the Council in advance stating that there was a copy available although she hadn't received it yet.

City Manager Stretch explained that he was out of the office from 4:00-5:00 p.m. on Friday and did not pick up the email with the reports until Sunday; otherwise it would have been distributed to the Council on Friday.

Presentation from Bartle Wells Associates Regarding Wastewater Rate and Capacity Fee Study Final Draft, Conduct Public Hearing and Approve Resolution 1222-2014 Establishing Wastewater Fees and Charges (Adjusting Rates from a Flat Rate to a 70% Fixed and 30% Volume Rate Schedule)

Mayor Thompson stated that Bartle Wells provided a presentation to the Council on the Wastewater Rate Study at the April 15th meeting and at the conclusion of the presentation, the consensus of the Council was to continue the public hearing to this date to allow Bartle Wells to recalculate the numbers because of variation in the numbers from the initial report and the current report for the same period.

Alison Lechowicz proceeded with a presentation and said in 2012 when Bartle Wells Associates was engaged by the City to develop a new wastewater rate structure they analyzed data over the winter months of December, January and February and for that period the average number of billed customers was around 1200 out of approximately 1413 connections. She said they presented billing options to the City Council and after review, the Council concurred to change the City's billing procedures so that locked accounts are charged a fixed monthly sewer charge. She said by changing the billing procedures to include those extra charges for inactive accounts the City has a more stable revenue source. She said there were also some questions regarding the data presented in 2012 compared to 2013/2014 data and as requested by the Council, they refined the results of the study and came up with a lower proposed monthly sewer bill for a typical flow customer using 5 ccf of \$67.16 as compared to the previous proposed rate of \$75.38.

Mayor Thompson commented that the study identifies 1413 sewer connections but 1433 EDU's and asked where the additional 20 comes from.

Alison explained that she went through the reports and compared individual accounts and corrected errors and said some customers received a decrease in their EDU count and some received an increase. She said also there were some changes in the various strength classifications which brought the final adjusted EDU count up by 15 to 1448 EDU's.

MAY 20, 2014 MINUTES
Page 5

Councilmember Marks pointed out that some users have two (2) EDU's and that there are also several commercial accounts that have a residence included under one bill and asked if those residential uses will be billed the higher strength of the commercial use.

Alison replied that it would depend on how the account is set up in the billing system.

Discussion ensued regarding responsibility of the property owners to pay sewer bills for their tenants.

Councilmember Wilson said he understood the property owner would have the option of having the bill in his/her name or having it go to the tenant. He said BWA's recommendation is that the City only allow property owners to hold sewer accounts.

City Manager Stretch stated that the property owner would be the ultimate party responsible for paying the sewer bill however; the bill could be sent to the tenant with the understanding that if the tenant does not pay, the property owner is responsible. If the property owner does not pay, then the delinquency would become a lien against the property.

Councilmember Wilson presented the scenario of a tenant using one (1) ccf whereas a new tenant moves in and uses ten (10) ccf and asked if the rate would remain under the lower rate until a new average is established.

City Manager Stretch stated there is proposed language which allows adjustments based on changes with the account. He said the draft ordinance and resolution will have to come before the Council for approval before the rates can go into effect so changes can be made at that time if needed.

Councilmember Johnson thanked Ms. Lechowicz for providing the presentation and said it helped to clear up questions and concerns.

Mayor Thompson stated that there are approximately 1300 active sewer customers and an EDU count of 1448 so the number of customers not paying the base rate could equal to \$15,000 or \$20,000/yr. and said the exact number of customers paying the full base rate needs to be determined.

Alison explained that one (1) water meter could essentially serve one (1) motel with 50 rooms so it should not be counted as one (1) EDU. She said the idea behind the EDU count is to assign each customer a number based on wastewater flow. The difference is due to different customer classifications and multiple uses on one (1) meter. She stated for clarification that all customers will be paying the base rate whether the account is active or inactive.

Councilmember Marks pointed out that additional EDU's will spread the cost out over a larger number thus lowering the cost per EDU.

MAY 20, 2014 MINUTES
Page 6

City Manager Stretch pointed out that the proposed rates have dropped because BWA is now using the accurate number of users. He noted that the current fixed rate sewer bill is \$76.16; with the new proposed rate schedule, a low strength user of 3 ccf or less will be billed \$59.34 and the average user of 5 ccf will be billed \$67.56. He said the reason for contracting with BWA was not to increase rates but to establish a more equitable rate schedule. He said both staff and BWA have gone through every account very carefully and by in large, the numbers here are firm. He said he has total confidence in the accuracy of the numbers and feels the proposed rate structure is ready for consideration.

Councilmember Wilson asked for clarification that a duplex currently pays \$76.16 X 2. City Manager Stretch confirmed the rate is correct and said under the new proposed rate they would pay \$47.01 X 2 plus a volume charge of \$4.11 per ccf.

Councilmember Marks stated that the only thing she sees as a potential problem is that commercial accounts will see an increase and asked how it will be communicated to those customers.

City Manager Stretch said in addition to public hearings, notices are sent out to all rate payers.

Councilmember Wilson asked if there was a graph that shows how the new rates will affect businesses and pointed out that if in fact 80% of customers will have a reduction that means the other 20% will be picking up the difference.

Alice said she has the data but it is not included in this report and offered to provide it to the City Manager. She explained that changing the billing procedures to bill inactive accounts will generate a significant portion of the revenue.

Mayor Thompson pointed out that billing inactive accounts the base charge will generate approximately \$33,000 per year.

Councilmember Wilson questioned the amount of charges written off each year to bad debt and if customer deposits would be eliminated.

City Manager Stretch estimated the annual bad debt to be less than \$10,000, and said if it is determined that sewer charges will only be billed to property owners, then property owners could charge a deposit under their rental agreement. He indicated that billing details will need to be addressed in the ordinance or resolution and pointed out that this is a Prop 218 public hearing.

Mayor Thompson expressed concern regarding the effect on those residential customers with families that use over the average amount and commercial customers. He pointed out that the sewer fund is in good shape whereas the water fund is a disaster and if these sewer rates are implemented then followed by a \$27.00 per month increase in water rates, there will be 51% of customers who can't afford it. He said the Council needs to find a way to equalize out the rates

and said he is fine with a sewer rate of \$76.16 but does not support increases beyond that amount.

Councilmember Wilson said in reviewing the bill impacts as reflected in the study, 80% of residential customers will receive a decrease in their bill and of the 20% that will receive an increase, the maximum increase is \$32.50 with the 15 ccf cap. He said with regard to businesses, they have been getting away with paying the same flat rate as the low strength residential customers which is not equitable.

A public hearing was opened at 7:55 p.m. to receive public comment on the proposed rate structure.

Ranada Laughlin said at the last public hearing the Council talked about the 15 ccf cap and asked if those customers are essentially getting a free pass to use whatever amount of water they want which does not encourage water conservation. She said in researching rate structures the National Defense Resource Council says that rates can be reset once a year and that most agencies establish fixed charges between 10% and 30%.

Alice commented that a 70% fixed charge and 30% variable was chosen because the City's wastewater treatment plant is heavily capitalized.

Dave Griffith stated that his monthly bill for water and sewer is \$104.77 and asked if that is the minimum charge.

Councilmember Wilson responded that the minimum bill is currently \$102.40 and that he should actually see a reduction in his bill of over \$20.00 per month.

Michael Chase stated that water is one of our most precious commodities and if people are going to use the water, they need to pay for it.

Councilmember Johnson pointed out that what we are talking about is the amount of water that goes down the drain and not the water that is used outside.

Motion was made by Johnson/Marks to accept staff's recommendation on the proposed wastewater rate schedule and to continue the public hearing with submittal of the draft ordinance and resolution. Motion carried 5-0.

Mayor Thompson called for a brief recess at 8:01 p.m.

The regular meeting reconvened at 8:06 p.m.

SPECIAL CALL ITEMS

Release Old Ranch Road Water Users City Council Subcommittee and Provide City Manager Direction

Mayor Thompson stated that he and Councilmember Johnson were appointed to the Old Ranch Road Water Users Subcommittee and presented a full report to the Council on May 5, 2014 related to the April 8, 2014 meeting with 7 of the water customers receiving water from the Old Ranch Road water line. He said at this point the parties are not all in agreement and the subcommittee believes that it has completed its assignment and the appropriate action is to release the subcommittee. He said the staff report as submitted by the City Manager includes 3 recommendations and that the third recommendation to approve the filing of a timber harvest plan for the City's 5.5 acre Monument Springs property is being removed as part of the recommended action at this time.

He opened the discussion for public comment.

Kaye Peake stated that since the first meeting back in November she feels that the City Manager and the Mayor had an agenda and no matter how often their group tried to come to a solution with the City they were told they were being problematic and to talk to their attorney. She said she doesn't feel they are being represented fairly when they requested another meeting with the City and Supervisors Bohn and Fennel and were denied. She commented that they don't have an attorney present like the City has and when Susan Hagemann asked for a study session the decision was already made to deny the request. She said she feels that not all of the City Council is unfair but feels the City Manager and the Mayor are. She said she also feels like they are being held hostage and that another study session is in order whether it be with their attorney or County Supervisors.

Mayor Thompson responded that he personally asked Supervisor Bohn if the County would be willing to help with the Old Ranch Road water line issue and he said the County would not be willing to provide any financial assistance.

There being no further public comment, comments from the public were closed.

Councilmember Wilson commented that he believes the subcommittee did everything they could to work out a solution but not everyone was in agreement.

Motion was made by Wilson/Marks to release the Old Ranch Road Water Users Subcommittee of the City Council and direct the City Manager to return on June 17, 2014 with an updated recommendation or status report; and if the City Manager is not able to reach an agreement with the ORR water users by the time the Prop 218 hearing on water rate adjustments is planned, the Council directs that the ORR water service area be designated as a special out-of-City rate area

subject to higher rates for the cost of the replacement of the 2" water line along ORR and including road improvements from Monument Road. funds for the annual maintenance of the

road and waterline and the cost of the City staff to drive the road to read water meters. Motion carried 5-0.

City Attorney Gans left the meeting at this time, 8:20 p.m.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Conduct second reading (by title only) and adopt Ordinance No. 316-2014 amending Commercial and Industrial Regulations by replacing the language "such as" with "similar to and including but not limited to" and to allow uses not compatible with the uses permitted in the zone with a Conditional Use Permit

Community Development Director Caldwell provided a staff report and explained this amendment is to simply clean-up the language in the Commercial and Industrial regulations by replacing "such as" with "similar to and including but not limited to." He said the amendment may not seem significant but hopefully it will help to encourage commercial development.

A public hearing was opened to receive public comment on the proposed ordinance amendment; there being no public comment. the public hearing closed.

Motion was made by Johnson/Woodall to conduct second reading (by title only) and adopt Ordinance No. 316-2014 amending Commercial and Industrial Regulations by replacing the language "such as" with "similar to and including but not limited to" and to allow uses not compatible with the uses permitted in the zone with a Conditional Use Permit. Motion carried 5-0.

Introduce and conduct first reading (by title only) of Ordinance No. 318-2014 Establishing Density Bonus Regulations, Section 17.30.073 of the Rio Dell Municipal Code

Community Development Director Caldwell provided a staff report and said the State Density Bonus Law was first enacted by the State in 1979 and significant changes were made to that law in 2005 including a requirement that Cities and Counties adopt local regulations to provide density bonuses and other incentives to developers who commit to providing affordable housing units. He further explained the law establishes density bonus incentives to allow more dwelling units than otherwise allowed within the zone; modification to parking standards; reduction in site development standards or modification of zoning code or architectural requirements; waiver of development standards that would otherwise make the increased density physically impossible to construct; and an additional density bonus if a childcare facility is provided.

Community Development Director Caldwell stated that he modeled the City's regulations after the State model so if the provisions in State law are amended in the future, the City's regulations

will not necessarily need to be amended.

Councilmember Johnson referred to Item 2 under *Application Requirements* and asked under what circumstances the City would require the services of specialized financial consultants to review the report related to a requested incentive by the developer.

Community Development Director Caldwell stated there could be a large development that could require specialized financial consultants to verify the analysis.

Councilmember Johnson then questioned the application fee for processing Density Bonus applications in which Community Development Director Caldwell noted that the cost is based on actual cost so the cost is not subsidized by the citizens.

Councilmember Johnson commented that sometimes apartment units are owned by the residents and asked if there are any provisions established for subletting apartments.

Community Development Director Caldwell stated that he was not aware of any such provisions and said if the unit is not occupied by the initial occupant meeting the income qualifications, they would no longer be entitled to the lower rent.

Councilmember Johnson asked for an update on the progress of the proposed 26-unit DANCO senior housing project.

Community Development Director Caldwell stated that the City Clerk had a recent conversation with the property owner who said the State is cooperating and the project is moving along faster than expected with possible construction beginning this summer.

A public hearing was opened to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Johnson/Woodall to conduct first reading (by title only of Ordinance 318-2014 establishing Density Bonus Regulations Section 17.30.073 of the Rio Dell Municipal Code, and to continue consideration and adoption of the proposed Ordinance to the June 3, 2014 meeting. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Stretch reported on recent activities and events and said most of his time the past two weeks has been consumed with the budget process and creating narratives; said he was attempting to gather information for placement of a revenue tax measure on the November 2014 ballot; and said he needed questions back from the Council as soon as possible for the City Manager interviews scheduled for June 9-10.

MAY 20, 2014 MINUTES
Page 11

Chief of Police Hill reported on recent activities in the police department and said Officer Harralson was scheduled to be back to work in 2 weeks; would be rescheduling officer training; said he had only met with one person from State Department of Fish & Game related to the river bar access issue so no round table meeting had been scheduled yet; and presented Police Statistics for the month of April.

Councilmember Marks stated that she had misspoken earlier when she said the \$3,000 was not included in the previous report related to parking citation enforcement and clarified that it was included in the report.

She asked how often citations are issued with regard to animals being pickup.

Chief Hill said almost never since often the animals are strays and the owner is unknown; if the owner is identified, they typically are required to pay the redemption fee and license the dog if it does not have a current license.

Finance Director Woodcox reported on recent activities in the finance department and she has been busy working with the City Manager on the budget; said with the auditors here they also began field work for the current year audit; and reported that staff was working on closeout of the Wastewater Treatment Plant Upgrade and Disposal Project.

Councilmember Johnson asked staff if there will be the need for another budget study session before bringing the final draft budget forward for approval.

City Manager Stretch said there would be at least one more budget study session although he did not have an anticipated date at this time.

Councilmember Marks said that she is aware staff is very busy but wanted to know when the Business License Ordinance update would be coming forward.

City Manager Stretch said the update is still on the list of projects but sees things extremely busy between now and July. He said staff will attempt to bring the draft ordinance forward as soon as it is possible.

Community Development Director Caldwell reported on recent activities in the planning department and stated that he had met with the architect and discussed the concept of moving the City Council Chambers to a newly constructed building on site and using the current space for additional office space; said he attended a workshop in Sacramento put on by the Sacramento Valley Association of Building Officials and that 3 of the 4 days were very beneficial; and said related to Nuisance Abatement he decided to make initial phone calls to residents rather than sending out the enforcement letter via certified mail and said this approach has been successful.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Johnson reported on his attendance at the last HCAOG meeting and said the Board voted to increase TAC membership and accepted another Tribal membership taking the membership total to 18 members. He also reported that the Federal Highway Trust Fund has been based on 18.4 cents per gallon for 20 years and the fund will be broke over the next few years. As a result they will be asking Congress to act affirmatively to increase that amount. He stated in consideration of Bike Month, he picked up some Bike maps and left in the lobby for citizens; said he attended the League of California Cities conference in Ft. Bragg and Mark Wheatley, the Mayor of Arcata provided a presentation on the effects of marijuana cultivation throughout the County. He said the other Councilmembers need to see the devastation it causes to the environment and doesn't understand why the Water Board is not doing anything to assist with enforcement. He then reported that there may be a Bocce Ball fund raiser for the League of California Cities taking place here or possibly Ferndale and that the local representative, Sara Rounds will be in contact with the city Manager. He said the annual League conference takes place in Los Angeles in September in which he will not be able to attend but said if the City wants to select an alternate voting delegate, they will need to receive a response by July 31st. Councilmember Woodall commented that she is the alternate member on the League but does not plan on attending the conference.

Lastly, Councilmember Johnson referred a recent article in the newspaper related to prayers at City Council meetings and requested the matter be placed on the next agenda for discussion and consideration. Consensus of the Council was to place the item on the June 3. agenda for consideration.

Councilmember Marks questioned whether it is a Brown Act violation to ask citizens to state their name and address when addressing the Council during meetings.

City Manager Stretch stated that the Council cannot require that a speaker provide his/her full name and address if they choose not to, although often times they volunteer the information.

City Manager Stretch commented that rather than individual Councilmembers going to staff to review the draft plans for City Hall improvements, it needs to occur during an open study session.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 9:00 p.m. to the June 3, 2014 regular meeting.

MAY 20, 2014 MINUTES
Page 13

Jack Thompson, Mayor

Attest:

Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL
REGULAR MEETING
JUNE 3, 2014
MINUTES**

The regular meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Thompson.

ROLL CALL: Present: Mayor Thompson, Councilmembers Johnson, Marks, Wilson, and Woodall

Others Present: City Manager Stretch, Chief of Police Hill, Finance Director Woodcox and City Clerk Dunham

Absent: Community Development Director Caldwell, Water/Roadways Superintendent Jensen and Wastewater Superintendent Chicora (excused)

PUBLIC PRESENTATIONS

Ayala Talpai addressed the Council on two (2) issues. The first was to request in lieu of a sidewalk along Bellevue Ave., that a white line be painted on the side of Bellevue Ave. with a stencil of bicycles and people walking to indicate the area as a safe roadway or designated space for foot and bicycle traffic. The second issue was concerning the intersection coming into Rio Dell from the north (exit 681). She stated that on numerous times she has sat in Dr. Shin's dentist chair and they have remarked on the number of "floaters" going through the stop sign. She said she talked to the police about this and suggested rather than ticket people, approach it as a safety issue and perhaps change the "stop" sign to a "yield for right turn" sign.

Mayor Thompson commented that this matter was under Cal-Trans jurisdiction. Ms. Talpai indicated that she would be on the phone to them in the morning.

Jim Rich addressed the Council regarding the proposed wastewater rate structure and expressed concern about the impact increased rates will have on businesses. He indicated that his sewer rates are likely to double and be in the \$400-\$500 range. He said local businesses are either pinched by tight margins barely able to survive, or are new businesses that have assessed their overhead at specific rates and will have difficulty developing their businesses in town due to changing fee structures and an unstable regulatory environment. He said for successful business development in Rio Dell the City needs to provide a welcoming, stable environment with known regulation and relatively low overhead costs. He urged the City Council to coordinate and work with existing community organizations to develop a common mission, then develop incentives to entice both retail and manufacturing companies to move here as a way to capitalize the City's infrastructure by creating a broader tax base. He said with the Dollar General locating here, the City has a unique opportunity to attract other businesses that share the same market parameters which would expand the City's tax base. He said rather than creating a scenario where businesses struggle to stay open because of increased rates, wait until there is more economic

JUNE 3, 2014 MINUTES

Page 2

growth so the market can bear the increases for upgrades and capitalization of the City's infrastructure for the long term.

Councilmember Marks asked Mr. Rich where he got the projected numbers regarding the rates.

Mayor Thompson stated that he was at the Pizza Factory with the Executive Director of HWMA and the subject of sewer rates came up. The following day he went back with the Prop 218 Wastewater Rate Study so Mr. Rich could see the calculations.

Councilmember Marks asked if he took into consideration that the Pizza Factory also includes a residence which constitutes 2 services on 1 meter. She said the Council talked about the need to address special situations like this during the Prop 218 Wastewater Rate Hearing at the last meeting.

CONSENT CALENDAR

Councilmember Marks asked that Item No. 7 be removed from the Consent Calendar for separate discussion.

Motion was made by Woodall/Johnson to approve the consent calendar including the approval of minutes of the May 6, 2014 regular meeting; approval of minutes of the May 13, 2014 special meeting; approval of annual rate adjustment to Eel River Disposal Garbage Rates and accept as an amendment to the City's Solid Waste and Recycling Franchise Agreement effective July 1, 2014; approval in concept of a Green Waste Recycling Pilot Program with Eel River Disposal and Resource Recovery; approval of Resolution No. 1223-2014 appointing representative and alternate to the SCORE Board of Directors; and authorizing the City Manager to engage the auditing services of R. J. Ricciardi to complete the 2013-2014 Fiscal Year Audit. Motion carried 5-0.

SPECIAL CALL ITEMS

(From Consent Calendar)

Approve 2014 Integrated Regional Water Management Drought Solicitation Project Application for City of Rio Dell and Scotia CSD Emergency Water Intertie in the amount of \$913,449

Councilmember Marks asked for an overview from the City Manager to show citizens the importance of the emergency water intertie.

City Manager Stretch explained special drought funds were recently made available which are funded by Prop 84 and with the application deadline of May 26, 2014, the City had its engineering firm, GHD Engineering put together a pre-application in the amount of \$913,449 for a water system intertie between Rio Dell and Scotia CSD for emergency purposes. He stated that either of the communities could have an emergency that leaves citizens without water and this

improves the ability of both agencies to supply each other with water and ensures water reliability for both Rio Dell and Scotia. He said the grant would fund the entire intertie project, including design and surveying, environmental permitting, administration, construction engineering and construction. He noted that the pipe would be directionally drilled under the Eel River and would connect from the south end of Edwards Dr. to Scotia.

Motion was made by Marks/Wilson to approve the 2014 Integrated Regional Water Management Drought Solicitation Project application for the City of Rio Dell and Scotia CSD Emergency Water Intertie in the amount of \$913,449. Motion carried 5-0.

SPECIAL CALL ITEMS

Consideration of Christian Prayers at Council Meetings – Councilmember Johnson

City Manager Stretch stated that this item was placed on the agenda at the request of Councilmember Johnson at the May 20th council meeting. He said as a result, he contacted the City Attorney and asked whether he had read the Supreme Court decision in favor of Christian prayers at the start of council meetings and if he agreed with the conclusion as printed in the newspaper article. He shared the written response from the City Attorney and said his advice was to consider taking the most conservative approach and avoid choosing prayer givers and monitoring the content of their prayers. He suggested that a moment of silence at the beginning of each meeting may be the best approach. In the response he described the problem as he sees it, is that the Supreme Court did not establish clear enough “guidelines” regarding what is permissible prayer and what is not. Also, Justice Kennedy lays out specific ground rules for legislative prayers to say that no proselytizing and no denigrating other faiths and that the government must have a non-discrimination policy when selecting people to pray. He said the problem he sees with prayers is that it could lead to even greater government censorship of religious speech and it would be hard to figure out when prayers cross the proselytizing line or come across as disparaging of other religions.

Councilmember Johnson stated that he thinks the Supreme Court has really opened the door for communities like Rio Dell to return to the Christian roots that established this nation and if we proceed with this, the direction would be for staff to follow the guidelines that Eureka has that are apparently working well for them since they start their city council meetings with an invocation.

Councilmember Wilson stated that this is an interesting area to address and asked how you would choose the prayer and the person who does it.

Councilmember Johnson said the guidelines you establish would define that there would be no proselytizing or downgrading of other faiths. He added that our nation was established upon the principal of basic freedom and he would hope that there would be no attempt to beat up any particular religion. He reiterated that we are a Christian nation.

Councilmember Wilson asked if prayers would be open to other religions provided they follow the guidelines.

Councilmember Johnson said he doesn't think they could offer up a Christian prayer and that's what the Supreme Court has allowed on the ruling of Greece, New York.

City Manager Stretch stated that the City Attorney mentioned those points about denigration in his response, and went on to say that the government must have a non-discrimination policy when soliciting people to pray so it did go beyond the Christian prayer.

Mayor Thompson called for public comment on the subject.

Ayala Talpai asked about the distinction between the separation of church and state.

Mayor Thompson commented that our country began with very different ideas than what we have today with regard to the separation between church and state.

Councilmember Wilson said one of the issues in the early development of our country which was pretty fully Christian, wasn't between say Muslim and a Christian but rather between the different Christian denominations. He said now things have evolved to something completely different with regard to the separation between church and state which he doesn't believe what was intended by our founding fathers.

Larry Arsenol maintained that this nation was founded to all religions, not just to Christians and said that he is fine with open prayer as long as it is not restricted to just Christian prayer.

Gary Chapman said with regard to the selection of someone to provide prayer, he suggested referring to the telephone book directory to identify institutions in the community and ask for individuals to volunteer. He said he believes the community is predominately Christian and since he is Christian himself he would not be offended with Christian prayer. He said historically, what started prayer in any governmental agency was controversy between individuals not being able to come to terms and quoted Benjamin Franklin as saying "before our next meeting, let's pray."

Alice Millington made the point that she had a friend who had brought a law suit against the City of Eureka and had attended their City Council meetings for a couple of years and during that time were not beginning their meetings with prayer. She said they might be doing it now; but had not been successful with it in the past.

Jeff Miller, Pastor of *The Journey* expressed his support for Councilmember Johnson's proposal and said it seems ridiculous to be fighting over a 15 second prayer when you are simply asking

JUNE 3, 2014 MINUTES
Page 5

God to give wisdom and guidance to our Council. He said he has also been to Philadelphia and walked through Independence Hall and saw how they fought for federalism and how the State's rights came together believing that God helped to form this nation. He said all we are asking for is that God help guide us like he did for our founding fathers. He added that we are not promoting or establishing religion but that one little principal. He suggested talking to various groups so that not just one church offers the prayer.

Alice Millington stated "why create conflict where there is none" and said it seems the City has been doing fine the way they have been doing it. She added that it's not her battle and she personally doesn't care either way but doesn't see the sense in creating a conflict.

Councilmember Woodall agreed and said she is not personally bothered by Christian prayer but doesn't want to open the City up to potential lawsuits. She stated she would not vote to approve Christian prayer at council meetings.

Councilmember Marks stated she would not object to someone who wanted to come up during public presentations and say a few words and asked how it is done in Eureka.

Councilmember Johnson stated that he believes that the City of Eureka has a Chaplain who offers the prayer but is not certain. He pointed out that Congress begins every session with a prayer as well as a lot of State Legislatures and cities. Also, when a President is inaugurated there is a prayer; all of which are Christian prayers. He said we have a long standing tradition of prayer in our country and he seeks to follow that tradition here in Rio Dell.

Mayor Thompson stated that he is not sure the City can restrict people from prayer but should proceed very carefully. He said more information is needed such as what the guidelines are in other cities.

Consensus of the Council was that staff contacts the township of Greece, New York, the City of Eureka and other cities to see what their guidelines are and report back to the Council.

City Manager Stretch pointed out that this item was presented as allowing "Christian" prayers at council meetings but as the City Attorney noted local governments cannot discriminate in the selection of prayer givers. He indicated the matter would likely not be brought back to the Council until sometime in July.

Authorize the City Manager to execute an agreement with Bartle Wells Associates to conduct a Water Rate and Water Capacity Fee Study for the Water Fund, not to exceed \$25,000

City Manager Stretch provided a staff report and said as the Council is aware, the water system has never been adequately capitalized. He said \$77,000/year is being collected and deposited into the water capital fund to replace a system that is 60 or 70 year old which is not nearly enough. He said the City Engineer estimates that a minimum of \$430,000 is required to adequately capitalize the system. He said there are many repairs that can't be made because

JUNE 3, 2014 MINUTES

Page 6

there is not only not enough money in the water capital fund but also not enough in the water operations fund. He commented that the water fees have never been properly set to fund water activities. As such, he said he has been in contact with Bartle Wells Associates who are the financial experts in this area, to put together a proposal for a Water Rate and Capacity Fee Study as previously done for wastewater. He said a rate adjustment is vital to keep operations going and to fully fund the City's capital improvement projects and equitably recover costs from outside City customers.

City Manager Stretch explained the cost to conduct the study as set forth in the proposal is not to exceed \$25,000; \$5,000 of which is to conduct the Water Capacity Fee Study. He noted that this fee was last increased to \$2,700 in 2002, and given that it has been 12 years, this fee should be analyzed and adjusted appropriately.

Councilmember Johnson commented that assuming Bartle Wells Associates are experts in the Prop 218 process, wondered if they could provide a proposal on subset rates for Old Ranch Road customers.

City Manager Stretch noted that data will be included in the study and also he has asked the City Engineer to put together an engineering evaluation and since a lot of the information has already been compiled he plans on negotiating a "not to exceed" proposal.

Councilmember Marks asked if there was a Water Capital Fund balance brought forward in this year's budget.

City Manager Stretch explained that it has been established that \$4.50 from each water bill be set aside for capital improvements which generates approximately \$77,000/year and that amount was carried over from the current budget to next year's budget.

Councilmember Wilson said it is a great idea to have Bartle Wells Associates do the study so there are solid numbers and said in the proposal they referred to theft of water and asked where the theft occurred and if anything was done about it.

City Manager Stretch explained there was water taken from the fire hydrant at the industrial park but it is unknown as to who took the water. He further explained that bulk water sales are allowed but only from a metered hydrant at the corporation yard and that the water must stay in Rio Dell or supplied to current out-of-city customers.

Larry Arsenol asked what the ongoing costs are to maintain the water activities.

City Manager Stretch reported the Water Operations Reserve had a beginning balance of \$114,500 from the prior year budget; with projected revenue of \$542.00 and projected expenditures of \$652.00, funds will have to be pulled from Reserves to maintain normal operations.

JUNE 3, 2014 MINUTES
Page 7

Motion was made by Wilson/Johnson to authorize the City Manager to execute an agreement with Bartle Wells Associates to conduct a Water and Water Capacity Fee Study for the Water Fund, not to exceed \$25,000. Motion carried 5-0.

Set Date for Study Session on FY 2014-2015 Budget

City Manager Stretch recommended a Special meeting be set for June 10, 2014 at 6:30 p.m. for a 2014-2015 Budget Study Session and to provide staff direction as to the development of a local revenue measure to be placed on the November 4, 2014 ballot.

He provided a staff report and said the 2014-2015 recommended Budget is nearing completion and the General Fund cannot be balanced without affecting public services or using its Reserve to fund expenditures. He said the imbalance between the revenue and expenditures is estimated to be around \$100,000 so staff is requesting a study session with the Council prior to bringing the budget forward for approval. He noted that the recommended Budget is fiscally tight and contains no cost-of-living increases for City employees, even though a recent total compensation study of comparable cities in the area indicates that Rio Dell is lagging behind them on an average of 16.25%. He said the issue is not an expenditure problem as much as it is a revenue problem and long term funding issue that need to be addressed as soon as possible. He said either a utility user's tax or a local sales tax needs to be considered as a revenue tax measure on the November ballot.

Mayor Thompson asked how much of the General Fund subsidizes the Police Department.

City Manager Stretch reported that approximately 55% of the General Fund budget goes to fund Police activities or \$481,000.

He noted that a 1% local sales tax would generate approximately \$173,000 however: would not be implemented until April 1, 2015 if passed in November whereas a utility user's tax would become effective immediately after passage.

Motion was made by Marks/Woodall to set the date of June 10, 2014 at 6:30 p.m. for a Special meeting to discuss the FY 2014-15 Budget, and provide direction to staff as to the development of a local revenue measure to be placed on the November 4, 2014 ballot. Motion carried 5-0.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Conduct second reading (by title only) and adopt Ordinance No. 318-2014 Establishing Density Bonus Regulations. Section 17.30.073 of the Rio Dell Municipal Code

City Manager Stretch provided a brief staff report on behalf of the Community Development Director and said the Ordinance was introduced at the May 20, 2014 regular meeting and was continued to this meeting for its second reading (by title only) and adoption. He said basically, Cities and Counties are required to adopt local regulations to provide density bonuses and other

incentives to developers who commit to providing affordable housing units. He further explained the law establishes density bonus incentives to allow more dwelling units than otherwise allowed within the zone; modification to parking standards; reduction in site development standards or modification of zoning code or architectural requirements; waiver of development standards that would otherwise make the increased density physically impossible to construct; and an additional density bonus if a childcare facility is provided.

A public hearing was opened to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Johnson/Marks to conduct the second reading (by title only) and adopt Ordinance 318-2014 establishing Density Bonus Regulations Section 17.30.073 of the Rio Dell Municipal Code. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Stretch stated he had nothing to report at this time but wanted to read a note he received from a local citizen, Gigi Miller who complimented the City on how nice the main street looks. Having lived here for many years she said it is truly appreciated that Rio Dell is looking so much nicer than it used to and every department is doing the best it possibly can on a limited budget. She ended by stating that she was looking forward to future improvements.

Councilmember Wilson said it is nice to see local citizens taking pride in the community by picking up litter and helping to make our city a nicer place to live.

Councilmember Johnson asked staff what the status is regarding the Ogle/Bellevue Drainage Study proposals. City Manager reported the approval for award of the bid will be on the next agenda for consideration.

Councilmember Marks asked for an update on the concept of combining green waste with the bio-solids. City Manager Stretch said he discussed the idea briefly with ERD but Wastewater Superintendent Chicora said that it wouldn't be a good blend. He said under the green waste program, ERD will pick up green waste every two weeks for an extra \$3.00/month on garbage bills and will be taking it to the City of Fortuna's corporation yard.

She also asked if the estimated \$430,000 needed for Water Capital is a solid number. City Manager Stretch explained that was the number the City Engineer brought forth when he updated the study but the City Council's direction was to add to the list a 10-year capitalization and add rolling stock. As such, he said Bartle Wells Associates will be bringing back a revised report after the Council comes to a consensus on what they want on the Capital Improvement Plan (CIP).

JUNE 3, 2014 MINUTES
Page 9

Chief of Police Hill reported on recent activities in the police department and said Officer Harralson will be returning to work tomorrow which will free up his schedule; related to the river bar issue and a round table discussion he said he is leaning toward a forum with those agencies that have jurisdiction over the river bar; reported he hadn't gotten any further with regard to parking enforcement; and announced they would be hosting an animal shot clinic on June 28, 2014 in City Hall parking lot and will be available to sell dog licenses at the same time.

Councilmember Johnson commented that he was jogging on the river bar and noticed where green waste had been dumped. He said maybe that will stop happening when the green waste program through ERD gets started.

Finance Director Woodcox reported on recent activities in the finance department and said staff will be training for GovTeller and the system should be up and running and accepting credit/debit cards by noon or so. She also reported that staff was working on sending out Business License renewals and the closing out process for the month of May.

Councilmember Johnson asked if staff had gotten the word out to citizens about the ability for the City to accept credit/debit cards. Staff replied that the information would go out in the next City newsletter.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Marks stated that she had met with the former Building Inspector, Arnie Kemp and reported that he is now up to date on all of his building inspection and plan check certifications until June 2017.

Mayor Thompson reported as representative on HWMA that the 10-year contract with Willits is final and with transportation costs at 63% they will be looking at a long term solution to get away from transportation. He said the Ash Dump contract came in at \$1.9 million as opposed to \$2.4 million as expected but because the area is an historical site, they are required to document any old items such as bottles that have been thrown away.

Councilmember Wilson commented that the \$111.00/ton for garbage disposal went to \$112.00/ton because of transportation costs and asked for clarification. Mayor Thompson explained those are Eel River Disposal's costs, not Humboldt Waste Management's.

Councilmember Johnson asked for an update on the law suit between HWMA and the River Watch. Mayor Thompson stated that it was a closed session matter so he can't report on anything discussed.

Councilmember Marks stated that approximately 5 years ago when sewer rates were increased the consensus of the Council as she remembers it was that the rates be brought back in 5 years



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June 17, 2014

TO: Rio Dell City Council

FROM: Jim Stretch, City Manager

SUBJECT: Extension of Employee Associations' MOU's and various employment agreements from July 1, 2014 through June 30, 2015.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve 1 year contract extensions with the Rio Dell Employees' Association, Rio Dell Police Officers Association, City Clerk, Police Chief, Community Development Director, Water and Roadways Superintendent and the Wastewater Superintendent; July 1, 2014 through June 30, 2015, all attached.

BACKGROUND AND DISCUSSION

The Memorandums of Understanding (MOU) with the Rio Dell Police Officers Association, the Rio Dell Employees' Association and 5 Management Employees all expire on June 30, 2014. Given the fact that the General Fund, Water, and Street Funds all are experiencing financial difficulties in the 2014-15 Budget year, the employee Associations and contract employees have agreed with a 1 year extension of their agreements with no change in the terms and conditions, including compensation or benefits.

The MOU/Agreements extensions do provide that, if a revenue measure is placed on the 11-4-14 ballot and is approved by the voters, the MOU's may be reopened for a discussion about salaries and benefits, to be effective on or after 1-1-15.

The agreement with the Finance Director and City Manager do not need to be extended.

Attachments: Extension agreements with all groups and employees mentioned in the above Recommendation

JUNE 3, 2014 MINUTES
Page 10

for review. She said in researching the minutes there is no official record of that consensus and said rather than just a nod, any consensus of the Council needs to be more official so that it is reflected in the minutes.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:00 p.m. to the June 10, 2014 Special meeting.

Jack Thompson, Mayor

Attest:

Karen Dunham, City Clerk

SECOND AMENDMENT TO CITY OF RIO DELL CITY CLERK EMPLOYMENT AGREEMENT

This Second Amendment to City of Rio Dell City Clerk Employment Agreement (hereinafter this "Second Amendment") is made and entered by and between the CITY OF RIO DELL, a municipal corporation of the State of California, hereinafter referred to as "Employer" and Karen Dunham, hereinafter referred to as "Employee" or "City Clerk", both of whom understand as follows:

RECITALS

A. WHEREAS, Employer and City Clerk have both executed that certain written agreement entitled City of Rio Dell City Clerk Employment Agreement (hereinafter the "City Clerk Agreement"), with both Employer's and City Clerk's execution date on May 20, 2012 and that First Amendment to City of Rio Dell City Clerk Employment Agreement with an execution date of August 16, 2012 (hereinafter the "First Amendment");

B. WHEREAS, Employer and City Clerk mutually intend to amend and modify the City Clerk Employment Agreement (as modified by the First Amendment) as stated in this Second Amendment; and

C. WHEREAS, the City Council for the City of Rio Dell approved the modifications to the City Clerk Employment Agreement recited in this Second Amendment at its duly noticed public meeting occurring on June 17, 2014.

NOW, THEREFORE, in consideration of the mutual covenants recited herein, Employer and the City Clerk agree to amend and modify the City Clerk Employment Agreement as follows:

AGREEMENT

1. Amendment to Section 2 of the City Clerk Employment Agreement.

The following underlined sentence appearing in Section 2 of the City Clerk Employment Agreement shall be deemed deleted:

"This Agreement shall remain in effect through June 30, 2014, unless Employee's term of employment is terminated earlier as provided in this Section 2 or Section 3 of this Agreement, or by the voluntary resignation of Employee."

In place of the forgoing sentence, the following italicized sentence shall be deemed substituted in its place and Section 2 of the City Clerk Employment Agreement

shall hereinafter be read and interpreted as if the following text appears in said Agreement:

"This Agreement shall remain in effect through June 30, 2015, unless Employee's term of employment is terminated earlier as provided in this Section 2 or Section 3 of this Agreement, or by the voluntary resignation of Employee."

2. Continuation of City Clerk Employment Agreement. Except as amended by this Second Amendment, all terms and conditions of the City Clerk Employment Agreement, as amended by the First Amendment, shall remain and continue to govern the obligations of the parties to said Agreement, including the salary recited therein. In the event a revenue measure is placed on the November 4, 2014, ballot and is approved by the voters, the salary may be renegotiated between the Employer and Employee on or after January 1, 2015.

3. Second Amendment Execution. This Second Amendment may be executed in counterparts, all of which shall be taken together as one whole. A facsimile or electronically scanned signature shall be deemed to constitute an original signature.

EMPLOYEE



Karen Dunham
City Clerk

Date: 6-12-14

EMPLOYER



City of Rio Dell
By: Jim Stretch, City Manager

Date: 6-12-14

Approved as to form:

Russell Gans
City Attorney

Date: _____

SECOND AMENDMENT TO CITY OF RIO DELL WATER AND ROADWAYS SUPERINTENDENT EMPLOYMENT AGREEMENT

This Second Amendment to City of Rio Dell Water and Roadways Superintendent Employment Agreement (hereinafter this "Second Amendment") is made and entered by and between the CITY OF RIO DELL, a municipal corporation of the State of California, hereinafter referred to as "Employer" and RANDY JENSEN, hereinafter referred to as "Employee" or "Water and Roadways Superintendent", both of whom understand as follows:

RECITALS

A. WHEREAS, Employer and Water and Roadways Superintendent have both executed that certain written agreement entitled City of Rio Dell Water and Roadways Superintendent Employment Agreement (hereinafter the "Water and Roadways Superintendent Agreement"), with both Employer's and Water and Roadways Superintendent's execution date on July 27, 2012 and that First Amendment to City of Rio Dell Water and Roadways Superintendent Employment Agreement with an execution date of August 17, 2012 (hereinafter the "First Amendment");

B. WHEREAS, Employer and Water and Roadways Superintendent mutually intend to amend and modify the Water and Roadways Superintendent Employment Agreement (as modified by the First Amendment) as stated in this Second Amendment; and

C. WHEREAS, the City Council for the City of Rio Dell approved the modifications to the Water and Roadways Superintendent Employment Agreement recited in this Second Amendment at its duly noticed public meeting occurring on June 17, 2014.

NOW, THEREFORE, in consideration of the mutual covenants recited herein, Employer and the Water and Roadways Superintendent agree to amend and modify the Water and Roadways Superintendent Employment Agreement as follows:

AGREEMENT

1. Amendment to Section 2 of the Water and Roadways Superintendent Employment Agreement.

The following underlined sentence appearing in Section 2 of the Water and Roadways Superintendent Employment Agreement shall be deemed deleted:

"This Agreement shall remain in effect through June 30, 2014, unless Employee's term of employment is terminated earlier as provided in this Section 2 or Section 3 of this Agreement, or by the voluntary resignation of Employee."

In place of the forgoing sentence, the following italicized sentence shall be deemed substituted in its place and Section 2 of the Water and Roadways Superintendent Employment Agreement shall hereinafter be read and interpreted as if the following text appears in said Agreement:

"This Agreement shall remain in effect through June 30, 2015, unless Employee's term of employment is terminated earlier as provided in this Section 2 or Section 3 of this Agreement, or by the voluntary resignation of Employee."

2. Continuation of Water and Roadways Superintendent Employment Agreement. Except as amended by this Second Amendment, all terms and conditions of the Water and Roadways Superintendent Employment Agreement, as amended by the First Amendment, shall remain and continue to govern the obligations of the parties to said Agreement, including the salary recited therein. In the event a revenue measure is placed on the November 4, 2014, ballot and is approved by the voters, the salary may be renegotiated between the Employer and Employee on or after January 1, 2015.

3. Second Amendment Execution. This Second Amendment may be executed in counterparts, all of which shall be taken together as one whole. A facsimile or electronically scanned signature shall be deemed to constitute an original signature.


EMPLOYEE



Randy Jensen
Water and Roadways Superintendent

Date: 6/12/14

EMPLOYER



City of Rio Dell
By: Jim Stretch, City Manager

Date: 6.12.14

Approved as to form:

Russell Gans
City Attorney

Date: _____

SECOND AMENDMENT TO CITY OF RIO DELL COMMUNITY DEVELOPMENT DIRECTOR EMPLOYMENT AGREEMENT

This Second Amendment to City of Rio Dell Community Development Director Employment Agreement (hereinafter this "Second Amendment") is made and entered by and between the CITY OF RIO DELL, a municipal corporation of the State of California, hereinafter referred to as "Employer" and KEVIN CALDWELL, hereinafter referred to as "Employee" or "Community Development Director", both of whom understand as follows:

RECITALS

A. WHEREAS, Employer and Community Development Director have both executed that certain written agreement entitled City of Rio Dell Community Development Director Employment Agreement (hereinafter the "Community Development Director Agreement"), with both Employer's and Community Development Director's execution date on July 27, 2012 and that First Amendment to City of Rio Dell Community Development Director Employment Agreement with an execution date of August 16, 2012 (hereinafter the "First Amendment");

B. WHEREAS, Employer and Community Development Director mutually intend to amend and modify the Community Development Director Employment Agreement (as modified by the First Amendment) as stated in this Second Amendment; and

C. WHEREAS, the City Council for the City of Rio Dell approved the modifications to the Community Development Director Employment Agreement recited in this Second Amendment at its duly noticed public meeting occurring on June 17, 2014.

NOW, THEREFORE, in consideration of the mutual covenants recited herein, Employer and the Community Development Director agree to amend and modify the Community Development Director Employment Agreement as follows:

AGREEMENT

1. Amendment to Section 2 of the Community Development Director Employment Agreement.

The following underlined sentence appearing in Section 2 of the Community Development Director Employment Agreement shall be deemed deleted:

"This Agreement shall remain in effect through June 30, 2014, unless Employee's term of employment is terminated earlier as provided in this Section 2 or Section 3 of this Agreement, or by the voluntary resignation of Employee."

In place of the forgoing sentence, the following italicized sentence shall be deemed substituted in its place and Section 2 of the Community Development Director Employment Agreement shall hereinafter be read and interpreted as if the following text appears in said Agreement:

"This Agreement shall remain in effect through June 30, 2015, unless Employee's term of employment is terminated earlier as provided in this Section 2 or Section 3 of this Agreement, or by the voluntary resignation of Employee."

2. Continuation of Community Development Director Employment Agreement. Except as amended by this Second Amendment, all terms and conditions of the Community Development Director Employment Agreement, as amended by the First Amendment, shall remain and continue to govern the obligations of the parties to said Agreement, including the salary recited therein. In the event a revenue measure is placed on the November 4, 2014, ballot and is approved by the voters, the salary may be renegotiated between the Employer and Employee on or after January 1, 2015.

3. Second Amendment Execution. This Second Amendment may be executed in counterparts, all of which shall be taken together as one whole. A facsimile or electronically scanned signature shall be deemed to constitute an original signature.

EMPLOYEE


Kevin Caldwell
Community Development Director

Date: 6/12/14

EMPLOYER


City of Rio Dell
By: Jim Stretch, City Manager

Date: 6.12.14

SECOND AMENDMENT TO CITY OF RIO DELL CHIEF OF POLICE EMPLOYMENT AGREEMENT

This Second Amendment to City of Rio Dell Chief of Police Employment Agreement (hereinafter this "Second Amendment") is made and entered by and between the CITY OF RIO DELL, a municipal corporation of the State of California, hereinafter referred to as "Employer" and GRAHAM G. HILL, hereinafter referred to as "Employee" or "Chief of Police", both of whom understand as follows:

RECITALS

A. WHEREAS, Employer and Chief of Police have both executed that certain written agreement entitled City of Rio Dell Chief of Police Employment Agreement (hereinafter the "Chief of Police Agreement"), with both Employer's and Chief of Police's execution date on July 27, 2012 and that First Amendment to City of Rio Dell Chief of Police Employment Agreement with an execution date of August 7, 2012 (hereinafter the "First Amendment");

B. WHEREAS, Employer and Chief of Police mutually intend to amend and modify the Chief of Police Employment Agreement (as modified by the First Amendment) as stated in this Second Amendment; and

C. WHEREAS, the City Council for the City of Rio Dell approved the modifications to the Chief of Police Employment Agreement recited in this Second Amendment at its duly noticed public meeting occurring on June 17, 2014.

NOW, THEREFORE, in consideration of the mutual covenants recited herein, Employer and the Chief of Police agree to amend and modify the Chief of Police Employment Agreement as follows:

AGREEMENT

1. Amendment to Section 2 of the Chief of Police Employment Agreement.

The following underlined sentence appearing in Section 2 of the Chief of Police Employment Agreement shall be deemed deleted:

"This Agreement shall remain in effect through June 30, 2014, unless Employee's term of employment is terminated earlier as provided in this Section 2 or Section 3 of this Agreement, or by the voluntary resignation of Employee."

In place of the forgoing sentence, the following italicized sentence shall be deemed substituted in its place and Section 2 of the Chief of Police Employment

Agreement shall hereinafter be read and interpreted as if the following text appears in said Agreement:

"This Agreement shall remain in effect through June 30, 2015, unless Employee's term of employment is terminated earlier as provided in this Section 2 or Section 3 of this Agreement, or by the voluntary resignation of Employee."

2. Continuation of Chief of Police Employment Agreement. Except as amended by this Second Amendment, all terms and conditions of the Chief of Police Employment Agreement, as amended by the First Amendment, shall remain and continue to govern the obligations of the parties to said Agreement, including the salary recited therein. In the event a revenue measure is placed on the November 4, 2014, ballot and is approved by the voters, the salary may be renegotiated between the Employer and Employee on or after January 1, 2015.

3. Second Amendment Execution. This Second Amendment may be executed in counterparts, all of which shall be taken together as one whole. A facsimile or electronically scanned signature shall be deemed to constitute an original signature.

EMPLOYEE



Graham G. Hill
Chief of Police

Date: 06/12/2014

EMPLOYER



City of Rio Dell
By: Jim Stretch, City Manager

Date: 6.12.14

Approved as to form:

Russell Gans
City Attorney

Date: _____

SECOND AMENDMENT TO CITY OF RIO DELL WASTEWATER SUPERINTENDENT EMPLOYMENT AGREEMENT

This Second Amendment to City of Rio Dell Wastewater Superintendent Employment Agreement (hereinafter this "Second Amendment") is made and entered by and between the CITY OF RIO DELL, a municipal corporation of the State of California, hereinafter referred to as "Employer" and John R. Chicora Jr., hereinafter referred to as "Employee" or "Wastewater Superintendent", both of whom understand as follows:

RECITALS

A. WHEREAS, Employer and Wastewater Superintendent have both executed that certain written agreement entitled City of Rio Dell Wastewater Superintendent Employment Agreement (hereinafter referred to as the "Wastewater Superintendent's Agreement"), with both Employer's and Wastewater Superintendent's execution date on May 21, 2012 and that First Amendment to City of Rio Dell Wastewater Superintendent Agreement with an execution date of August 16, 2012 (hereinafter the "First Amendment");

B. WHEREAS, Employer and Wastewater Superintendent mutually intend to amend and modify the Wastewater Superintendent Employment Agreement (as modified by the First Amendment) as stated in this Second Amendment; and

C. WHEREAS, the City Council for the City of Rio Dell approved the modifications to the Wastewater Superintendent Employment Agreement recited in this Second Amendment at its duly noticed public meeting occurring on June 17, 2014.

NOW, THEREFORE, in consideration of the mutual covenants recited herein, Employer and the Wastewater Superintendent agree to amend and modify the Wastewater Superintendent's Employment Agreement as follows:

AGREEMENT

1. Amendment to Section 2 of the Wastewater Superintendent Employment Agreement.

The following underlined sentence appearing in Section 2 of the Wastewater Superintendent Employment Agreement shall be deemed deleted:

"This Agreement shall remain in effect through June 30, 2014, unless Employee's term of employment is terminated earlier as provided in this Section 2 or Section 3 of this Agreement, or by the voluntary resignation of Employee."


In place of the forgoing sentence, the following italicized sentence shall be deemed substituted in its place and Section 2 of the Wastewater Superintendent Employment Agreement shall hereinafter be read and interpreted as if the following text appears in said Agreement:

"This Agreement shall remain in effect through June 30, 2015, unless Employee's term of employment is terminated earlier as provided in this Section 2 or Section 3 of this Agreement, or by the voluntary resignation of Employee."

2. Continuation of Wastewater Superintendent Employment Agreement. Except as amended by this Second Amendment, all terms and conditions of the Wastewater Superintendent Employment Agreement, as amended by the First Amendment, shall remain and continue to govern the obligations of the parties to said Agreement, including the salary recited therein. In the event a revenue measure is placed on the November 4, 2014, ballot and is approved by the voters, the salary may be renegotiated between the Employer and Employee on or after January 1, 2015.

3. Second Amendment Execution. This Second Amendment may be executed in counterparts, all of which shall be taken together as one whole. A facsimile or electronically scanned signature shall be deemed to constitute an original signature.

EMPLOYEE



John R. Chicora, Jr.
Wastewater Superintendent

Date: 6-12-14

EMPLOYER



City of Rio Dell
By: Jim Stretch, City Manager

Date: 6.12.14

Approved as to form:

Russell Gans
City Attorney

Date: _____

Memorandum of Understanding Contract Extension between the City of Rio Dell and the Rio Dell Police Officer's Association

July 1, 2014 to June 30, 2015

The City of Rio Dell and the Rio Dell Employees' Association hereby agree as follows:

1. The Memorandum of Understanding (MOU) between the City of Rio Dell and the Rio Dell Police Officer's Association, which is scheduled to expire on June 30, 2014, shall be extended from July 1, 2014 through June 30, 2015, and the salary ranges listed in existing MOU shall remain in effect.
2. In the event a revenue measure is placed on the November 4, 2014, ballot and is approved by the voters, there shall be an opportunity to reopen the contract for 2014-15 for the purpose of the negotiation of salaries, benefits and terms and conditions of employment between the City of Rio Dell and the Rio Dell Police Officer's Association, effective on or after January 1, 2015.

Dated: 6-13-14

City of Rio Dell

By: 

Name: JIM STRETCH, CIM

Dated: 6/13/14

Rio Dell Police Officers' Association

By: 

Name: JOHN BEAUCHAMP

For Meeting of: June 17, 2014

To: City Council

From: Kevin Caldwell, Community Development Director

Through: Jim Stretch, City Manager  

Date: June 2, 2014

Subject: Metropolitan Road Extension Vacation; Certificate of Acceptance

Recommendation:

That the City Council:

1. Approve and adopt Resolution 1224-2014 accepting the Deed from the County of Humboldt vacating and conveying a portion of Metropolitan Road to the City and authorizing the City manager to execute the Certificate of Acceptance;
2. Direct staff to record the Grant Deed and Certificate of Acceptance;

Background:

As part of the City's wastewater treatment plant project the City made application to the County to abandon, vacate and convey a portion of old Metropolitan Road which traverses a portion of the City's effluent disposal fields to the City. Although the City made application to the County in 2011, due to limited staff the County recently completed the formal process of vacating that portion of the Metropolitan Road extension. The Board of Supervisors approved the vacation and grant deed at their meeting of April 22, 2014. A copy of the Deed and Exhibits is included as Attachment 1. A copy of the County Resolutions is included as Attachment 2. Resolution 1224-2014 authorizing the City Manager to execute the Certificate of Acceptance is included as Attachment 3 and the Certificate of Acceptance is included as Attachment 4.



For Meeting of: June 17, 2014

To: City Council

From: Kevin Caldwell, Community Development Director

Through: Jim Stretch, City Manager  

Date: June 2, 2014

Subject: Metropolitan Road Extension Vacation; Certificate of Acceptance

Recommendation:

That the City Council:

1. Approve and adopt Resolution 1224-2014 accepting the Deed from the County of Humboldt vacating and conveying a portion of Metropolitan Road to the City and authorizing the City manager to execute the Certificate of Acceptance;
2. Direct staff to record the Grant Deed and Certificate of Acceptance;

Background:

As part of the City's wastewater treatment plant project the City made application to the County to abandon, vacate and convey a portion of old Metropolitan Road which traverses a portion of the City's effluent disposal fields to the City. Although the City made application to the County in 2011, due to limited staff the County recently completed the formal process of vacating that portion of the Metropolitan Road extension. The Board of Supervisors approved the vacation and grant deed at their meeting of April 22, 2014. A copy of the Deed and Exhibits is included as Attachment 1. A copy of the County Resolutions is included as Attachment 2. Resolution 1224-2014 authorizing the City Manager to execute the Certificate of Acceptance is included as Attachment 3 and the Certificate of Acceptance is included as Attachment 4.

Attachments

Attachment 1: Grant Deed

Attachment 2: Board of Supervisors Resolution No. 14-34

Attachment 3: Resolution No. 1224-2014

Attachment 3: Certificate of Acceptance

AFTER RECORDING RETURN TO:

CITY OF RIO DELL
CITY CLERK
675 WILDWOOD AVENUE
RIO DELL, CA 95562

This instrument is for the benefit of the
City of Rio Dell and is entitled to be
recorded without fee. (Govt. Code 27383)


**RE: METROPOLITAN ROAD EXTENSION
COUNTY ROAD NUMBER - 3G106
CITY OF RIO DELL**

DEED

COUNTY OF HUMBOLDT, a political subdivision of the State of California, does hereby grant, convey, assign, parcels A and B in fee, and to remise, release and forever quitclaim parcel C, all to the CITY OF RIO DELL, an incorporated City of the State of California, the real property, situated in an unincorporated area of the County of Humboldt, State of California, as described in Exhibit A as follows:

(Exhibit A attached hereto and made a part hereof.)

Dated this 23rd day of May, 2014.



CHAIR, Rex Bohn
HUMBOLDT COUNTY BOARD OF SUPERVISORS

EXHIBIT 'A'

LEGAL DESCRIPTION FOR
VACATION OF METROPOLITAN ROAD EXTENSION (3G106)

ALL THAT REAL PROPERTY SITUATED IN THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, LYING WITHIN SECTION 36, TOWNSHIP 2 NORTH, RANGE 1 WEST, HUMBOLDT MERIDIAN, DESCRIBED AS FOLLOWS:

PARCEL A: METROPOLITAN ROAD EXTENSION (3G106)

BEING ALL OF PARCEL 4 AS DESCRIBED IN THE "RELINQUISHMENT OF HIGHWAY RIGHT OF WAY" TO THE COUNTY OF HUMBOLDT AS RECORDED MAY 6, 1974 IN VOLUME 1238, PAGE 67 OF HUMBOLDT COUNTY OFFICIAL RECORDS, ALONG WITH ANY PUBLIC RIGHT OF WAY THAT EXISTS WITHIN SAID PARCEL 4.

PARCEL B: METROPOLITAN ROAD EXTENSION (3G106)

A PORTION OF PARCEL 3 AS DESCRIBED IN THE "RELINQUISHMENT OF HIGHWAY RIGHT OF WAY" TO THE COUNTY OF HUMBOLDT AS RECORDED MAY 6, 1974 IN VOLUME 1238, PAGE 67 OF HUMBOLDT COUNTY OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY TERMINUS OF THE COURSE DESCRIBED AS "A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 330 FEET, THROUGH AN ANGLE OF 36°44'17", A DISTNCE OF 211.60 FEET", OF SAID PARCEL 3;

THENCE FROM A TANGENT THAT BEARS S 38° 44'17" W, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 40 FEET, THROUGH AN ANGLE OF 86°06'09", A DISTANCE OF 60.11 FEET;

THENCE FROM A TANGENT THAT BEARS S 40°24'10" E, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 80 FEET, THROUGH AN ANGLE OF 47°32'48", A DISTANCE OF 66.39 FEET;

THENCE S 87°56'58" E, 65.83 FEET;

THENCE S 02°03'02" W, 60.00 FEET;

THENCE N 87°56'58" W, 65.83 FEET;

THENCE, ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 140 FEET, THROUGH AN ANGLE OF 47°32'48", A DISTANCE OF 116.18 FEET;

Certificate of Acknowledgment

State of California)
County of Humboldt)

On May 23, 2014 before me, Ana G. Hartwell, Deputy Clerk of the Humboldt County Board of Supervisors, personally appeared REX BOHN, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



EXHIBIT A, PAGE 2

THENCE, FROM A TANGENT THAT BEARS N 33°26'26" W, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 40 FEET, THROUGH AN ANGLE OF 86°06'12", A DISTANCE OF 60.11 FEET TO THE POINT OF CUSP OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 330 FEET (A RADIAL LINE THROUGH SAID POINT BEARS N 29°32'38" W);

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH AN ANGLE OF 21°43'09", A DISTANCE OF 125.09 FEET TO THE POINT OF BEGINNING.

ALONG WITH ANY PUBLIC RIGHT OF WAY THAT EXISTS WITHIN THE ABOVE DESCRIBED PARCEL B.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE GRID BASED ON THE CALIFORNIA CO-ORDINATE SYSTEM, ZONE 1. MULTIPLY DISTANCES SHOWN BY 1.0000932 TO OBTAIN GROUND DISTANCES.

ROTATE GRID BEARINGS REPORTED HERE COUNTER-CLOCKWISE 01°26'34" TO OBTAIN TRUE (GEODETIC) BEARINGS. SEE 68 SURVEYS, PAGES 131-135.

PARCEL C: METROPOLITAN ROAD EXTENSION (3G106)

BEING A PORTION OF THE LAND DESCRIBED AS THE "OLD COUNTY ROAD" WITHIN DETAILS 'B', 'C' AND 'D' AS SHOWN ON SHEET 4 OF THE RECORD OF SURVEY FOR THE CITY OF RIO DELL AS FILED MAY 3, 2011 IN BOOK 68 OF SURVEYS, PAGES 131 THROUGH 135, HUMBOLDT COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE OLD COUNTY ROAD AND THE WEST FENCELINE OF THE BUNDESON PARCEL AS SHOWN ON DETAIL 'C' OF SAID RECORD OF SURVEY FOR THE CITY OF RIO DELL;

THENCE WESTERLY ALONG SAID SOUTH LINE NORTH 88°38'34" WEST 493.15 FEET;

THENCE NORTH 85°52'33" WEST 156.06 FEET TO A POINT ON THE SOUTHERLY LINE OF PARCEL 3 AS DESCRIBED IN THE RELINQUISHMENT OF HIGHWAY RIGHT OF WAY, RECORDED MAY 6, 1974 IN BOOK 1238, PAGE 67 OF OFFICIAL RECORDS OF HUMBOLDT COUNTY. SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 330.03 FEET. A RADIAL LINE THROUGH SAID POINT BEARS NORTH 12° 13' 33" WEST;

THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF 14°21'08" AND AN ARC LENGTH OF 82.67 FEET TO THE NORTH LINE OF SAID "OLD COUNTY ROAD";

EXHIBIT A, PAGE 3

THENCE LEAVING SAID SOUTHERLY LINE ALONG THE NORTH LINE OF SAID OLD COUNTY ROAD SOUTH 85°52'33" EAST 79.70 FEET;

THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 88° 38'34" EAST 492.36 FEET TO SAID WEST FENCELINE OF THE BUNDESON PARCEL;

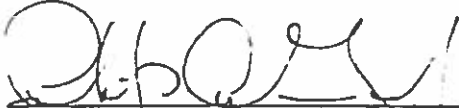
THENCE ALONG SAID LINE SOUTH 01°17'34" WEST 33.00 FEET TO THE POINT OF BEGINNING;

ALONG WITH ANY PUBLIC RIGHT OF WAY THAT EXISTS WITHIN THE ABOVE DESCRIBED PARCEL C.

END OF DESCRIPTION

IN THE EVENT THE INFORMATION SHOWN WITHIN THE EXHIBITS SHOWN ON PAGES 4 AND 5 OF THIS DOCUMENT DIFFERS FROM THIS LEGAL DESCRIPTION, THIS LEGAL DESCRIPTION SHALL HOLD.

THIS LEGAL DESCRIPTION PREPARED ON OCTOBER 25, 2012 BY:

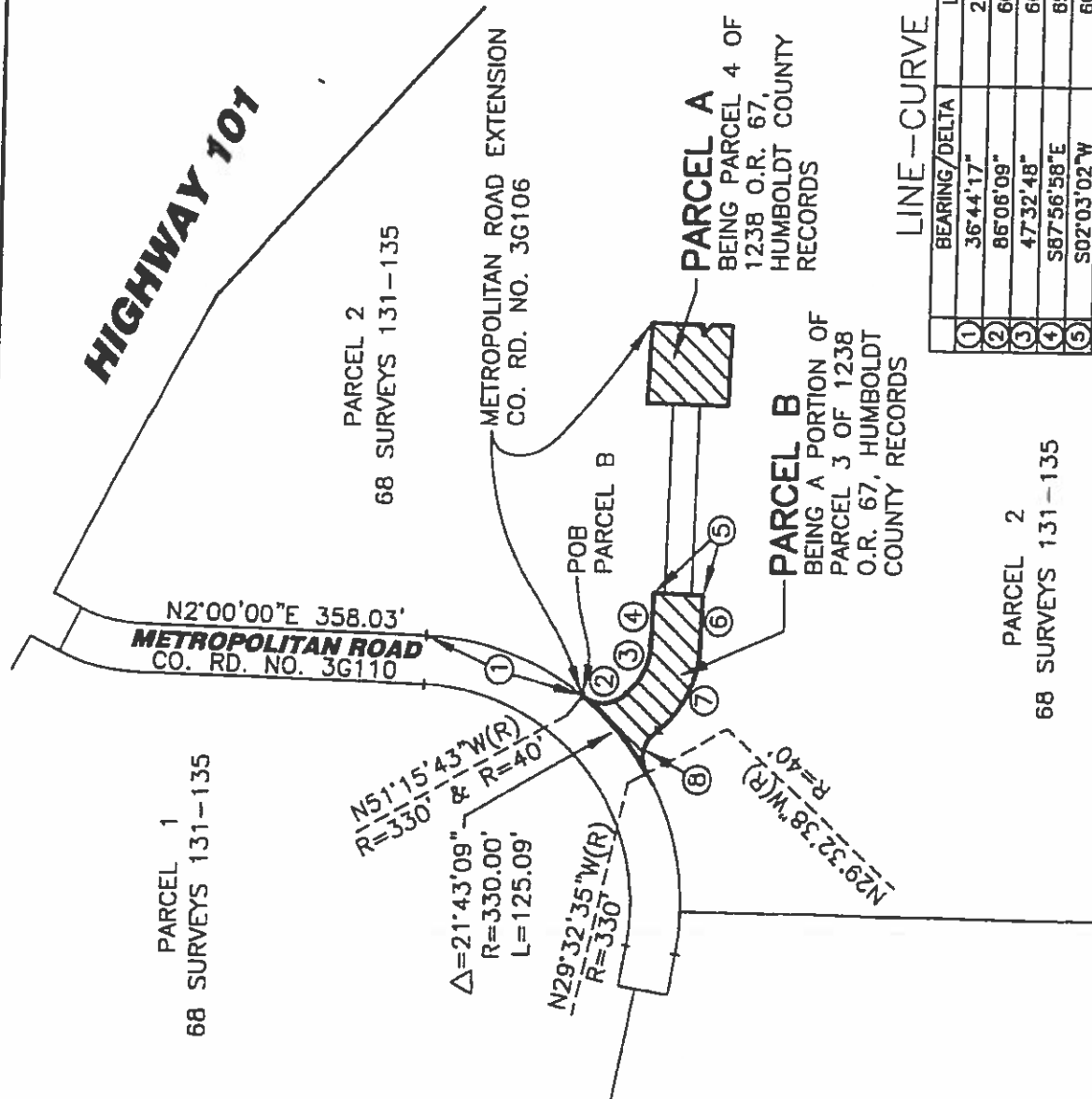


PHILIP A. GUTIERREZ JR.
CALIFORNIA LICENSED LAND SURVEYOR NO. 7245



EXHIBIT A, PAGE 4

NOTE: IN THE EVENT THE INFORMATION SHOWN ON THIS PLAT DIFFERS FROM THAT SHOWN WITHIN THE ATTACHED LEGAL DESCRIPTION, THE LEGAL DESCRIPTION SHALL HOLD.



LINE-CURVE DATA TABLE

	BEARING/DELTA	LENGTH	RADIUS
①	36°44'17"	211.60'	330'
②	86°06'09"	60.11'	40.00'
③	47°32'48"	66.39'	80.00'
④	58°56'58"E	85.83'	80.00'
⑤	S02°03'02"W	60.00'	
⑥	N87°56'58"W	65.83'	
⑦	47°32'48"	116.18'	140.00'
⑧	86°06'12"	60.11'	40.00'

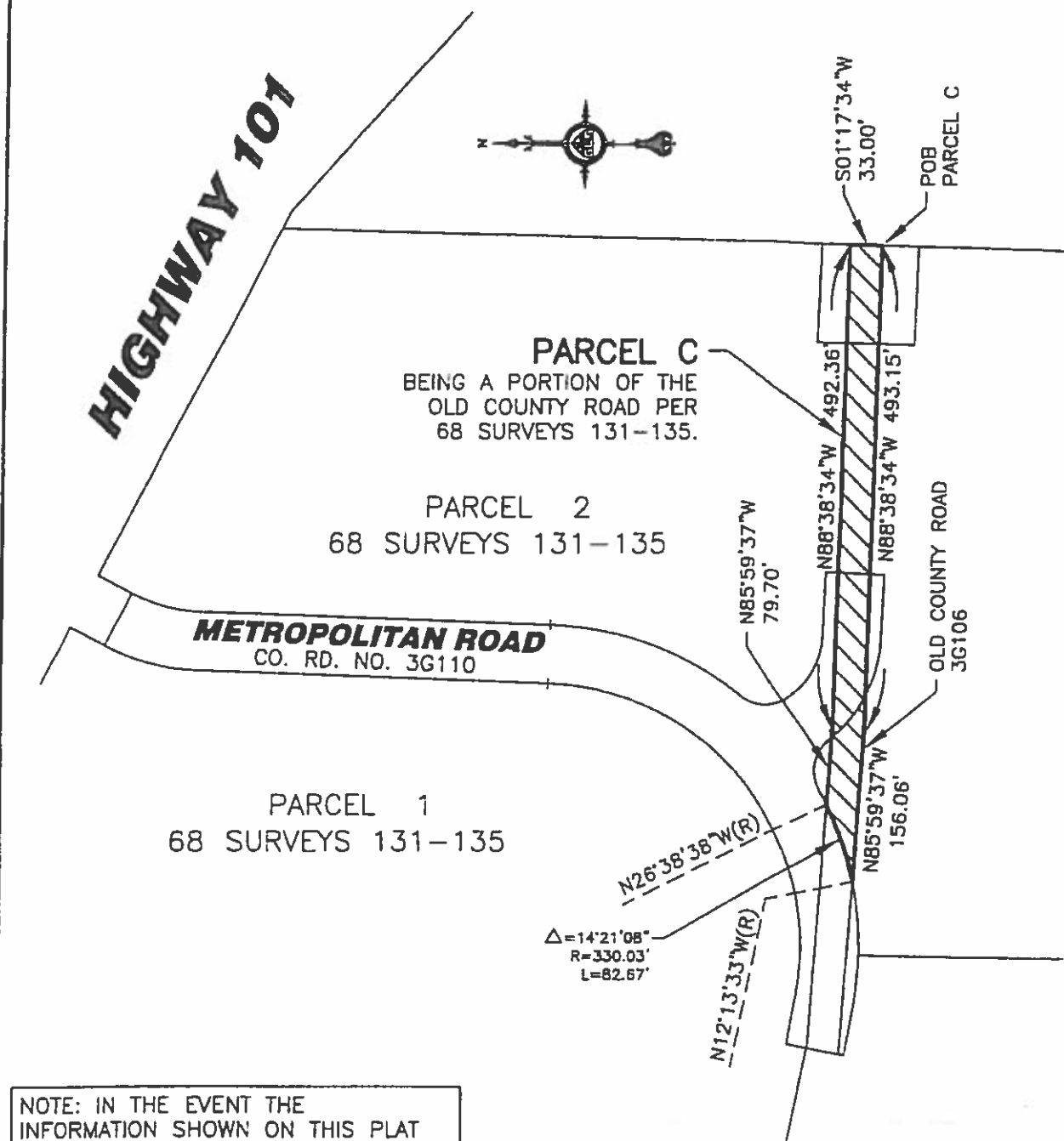
PARCEL 2
68 SURVEYS 131-135

GLS **GUTIERREZ**
LAND
SURVEYING
826 MADRONE AVENUE, EUREKA, CA 95503

ROAD VACATION EXHIBIT
METROPOLITAN ROAD EXTENSION (3G106)
COUNTY OF HUMBOLDT, CALIFORNIA

JOB NO.: 10118.2
DATE: OCT 25, 2012
NAME: RD ABANDON
SCALE: 1"=200'

EXHIBIT A, PAGE 5



NOTE: IN THE EVENT THE
INFORMATION SHOWN ON THIS PLAT
DIFFERS FROM THAT SHOWN WITHIN
THE ATTACHED LEGAL DESCRIPTION,
THE LEGAL DESCRIPTION SHALL HOLD.



ROAD VACATION EXHIBIT
METROPOLITAN ROAD EXTENSION (3G106)
COUNTY OF HUMBOLDT, CALIFORNIA

JOB NO.: 10118.2
DATE: OCT 25, 2012
NAME: RD ABANDON
SCALE: NONE

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of April 22, 2014

RESOLUTION NO. 14-34

**RESOLUTION TO SUMMARILY VACATE METROPOLITAN ROAD EXTENSION (3G106)
IN THE METROPOLITAN (RIO DELL) AREA**

WHEREAS, a county street for purposes of the Public Streets, Highways, and Service Easements Vacation Law (Streets and Highways Code § 8300 *et seq.*) includes all or part of, or any right in, a public highway, road, street, avenue, alley or lane (Streets and Highways Code § 8308); and

WHEREAS, the hereafter described Metropolitan Road Extension (3G106), a county road, is excess right-of-way not required for road purposes and that portion is surrounded by property under one ownership and does not continue through such ownership or end touching property of another, thereby meeting the requirements of Streets and Highways Code § 8334 (a) and (b); and

WHEREAS, there are no public utility facilities in place that are in use or would be affected by the vacation of said portion of the county road; and

WHEREAS, this summary vacation is made pursuant to the provisions of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code, § 8330 *et seq.*; and

WHEREAS, the vacation is minor in nature and exempt from the Planning Commission Report for Acquisitions, Dispositions and Abandonments pursuant to Government Code § 65402(a) and Resolution No. 72-69; and

WHEREAS, the vacation is in conformity with the General Plan; and

WHEREAS, the vacation will have no significant environmental effect and is exempt from the California Environmental Quality Act (CEQA) as per the provisions in the Guidelines for Implementation of CEQA, 14 California Code of Regulations §§ 15301 and 15305.

NOW, THEREFORE, BE IT RESOLVED that:

SECTION 1. The Board of Supervisors finds that all of the recitations made hereinabove are true and correct.

SECTION 2. The Metropolitan Road Extension (3G106), a county road, described in Exhibit A, which is attached hereto and made a part hereof by reference, is excess right-of-way not required for road purposes and that portion is surrounded by property under one ownership and does not continue through such ownership or end touching property of another.

SECTION 3. There are no public utility facilities in place that are in use or would be affected by the vacation of said portion of county road.

SECTION 4. The summary vacation is pursuant to the provisions of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code, and specifically § 8334 (a) and (b).

///

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of April 22, 2014

RESOLUTION NO. 14-34

SECTION 5. The vacation is minor in nature and exempt from the Planning Commission Report for Acquisitions, Dispositions and Abandonments pursuant to Government Code § 65402(a) and Resolution No. 72-69.

SECTION 6. The vacation is not in conflict with the General Plan.

SECTION 7. The vacation does not have a significant environmental effect and is exempt from CEQA as per the provisions in the Guidelines for Implementation of CEQA, 14 California Code of Regulations §§ 15301 and 15305.

SECTION 8. The Metropolitan Road Extension is hereby ordered vacated.

SECTION 9. From and after the date of recordation of this resolution, the Metropolitan Road Extension will no longer constitute a street, public highway or public service easement.

SECTION 10. The Clerk of the Board of Supervisors is directed to record a certified copy of this Resolution in the Office of the Humboldt County Recorder.

Dated: April 22, 2014



REX BOHN, Chair of the Board of Supervisors


Adopted on motion by Supervisor Lovelace, seconded by Supervisor Bass, and the following vote:

AYES:	Supervisors	Sundberg, Lovelace, Bohn, Fennell, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the Seal of said Board of Supervisors.



ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

by Ana Hartwell, Deputy Clerk of the
Board of Supervisors 48

RESOLUTION NO. 1224 – 2014



**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL ACCEPTING THE
DEED FROM THE COUNTY OF HUMBOLDT CONVEYING A PORTION OF
METROPOLITAN ROAD TO THE CITY AND AUTHORIZING THE CITY MANAGER TO
EXECUTE THE CERTIFICATE OF ACCEPTANCE:**

WHEREAS as part of the City's wastewater treatment plant project the City made application to the County to abandon, vacate and convey a portion of old Metropolitan Road which traverses a portion of the City's effluent disposal fields to the City; and

WHEREAS although the City made application to the County in 2011, due to limited staff the County recently completed the formal process of vacating that portion of the Metropolitan Road extension; and

WHEREAS, the County determined that the Metropolitan Road extension, a County road, is excess right-of-way not required for road purposes and that portion is surrounded by property under one ownership and does not continue through such ownership or end touching property of another, thereby meeting the requirements of Streets and Highways Code § 8334 (a) and (b); and

WHEREAS the Board of Supervisors approved the vacation and grant deed at their meeting of April 22, 2014; and

WHEREAS the summary vacation was made pursuant to the provisions of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code, § 8330 *et seq.*; and

WHEREAS, the County determined that the vacation will not have a significant environmental effect and is exempt from the California Environmental Quality Act (CEQA) as per the provisions in the Guidelines for Implementation of CEQA, 14 California Code of Regulations Sections 15301 and 15305.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell accepts the Grant deed and authorizes the City Manager to execute Certificate of Acceptance.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the City Council of the City of Rio Dell on June 17, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. 1224 – 2014 passed and adopted by the City Council of the City of Rio Dell on June 17, 2014.

Karen Dunham, City Clerk, City of Rio Dell

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



City of Rio Dell Certificate of Acceptance

This is to certify that the interest in the real property conveyed by Deed from the County of Humboldt, a political subdivision of the State of California dated May 23, 2014 to the City of Rio Dell, a municipal corporation is hereby accepted by order of the undersigned officer on behalf of the City of Rio Dell pursuant to the authority conferred by Resolution No. 1202-2013, dated June 4, 2013.

Dated _____

James R. Stretch, City Manager
City of Rio Dell

State of California
County of Humboldt

On _____ before me, _____
personally appeared James R. Stretch who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)



*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com*

June 17, 2014

TO: Rio Dell City Council

FROM:  Jim Stretch, City Manager

SUBJECT: Approval of Green Waste MOU with Eel River Disposal

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve the attached 1 year Memorandum of Understanding (MOU) with Eel River Disposal for Green Waste Program and authorize the City Manager to sign

BACKGROUND AND DISCUSSION

On June 3, 2014 the City Council approved in concept a Green Waste Recycling Pilot Program with Eel River Disposal (ERD) for a trial period of 1 year. The cost of the biweekly service is \$3.00 and bundling for other ERD services is not required. If community participation in the program does not develop, ERD reserves the right to terminate it with 30 days' notice.

The Council directed that the City Manager develop an agreement and return to the Council for approval.

Attached for the City Council's approval is an MOU that has been approval as to legal form by the City Attorney.

Attachment: MOU with Eel River Disposal for Green Waste Trial Program

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF RIO DELL AND EEL RIVER DISPOSAL
COMPANY, INC. TO ESTABLISH THE CITY'S GREEN
WASTE CURBSIDE COLLECTION PROGRAM**

This Memorandum of Understanding is entered into as of June 1, 2014 between Eel River Disposal Company, Inc. ("ERD") and the City of Rio Dell ("City").

RECITALS

- A. WHEREAS, ERD holds the exclusive franchise from the City for the collection of solid waste and the exclusive right to collect recyclable materials placed at curbside (the "Franchise Agreement") and**
- B. WHEREAS, the Franchise Agreement defines recyclable materials to include yard trimmings ("Green Waste") and**
- C. WHEREAS, ERD and the City are interested in (1) gauging and generating interest in, (2) understanding the extent of the expected costs and (3) judging the value of the particular approaches of collecting Green Waste, and**

NOW, THEREFORE, the City and ERD agree to this Memorandum of Understanding to create a trial program for the collection of Green Waste within the City:

- 1. From as soon after such date as the City executes this Agreement that ERD can proceed to May 31, 2015, there will be a program for the collection and reuse of Green Waste.**
- 2. The program will involve the use of supplied specially designated sixty eight gallon Green Waste totes which will be picked up every other week during the Program. ERD will establish rules governing the location and placement of totes for pick up and the non-contamination of material. The Green Waste will be transported to the City of Fortuna's corporation yard. If this use of the material becomes unavailable or not fully available, the Program shall be suspended until ERD and the City can agree on a new delivery point and any other needed changes to the terms of the Program.**
- 3. The participants in the Program must specially sign up for the participation in the Program. Participants will pay \$ 3.00 per month for the service during the Program. The cost of the service will be added to the participant's current garbage or recycling service bill and is available to private residents, multifamily housing and businesses.**
- 4. The City, with the advice and review of ERD will provide Program publicity in a similar manner as the Single Stream Recycling Collection Program under the Franchise Agreement and ERD will also provide Green Waste publicity to its current customers along with its billing for service.**

5. Three months before the one-year anniversary of the Program, the City and ERD will meet to discuss the level of customer interest, what opportunities exist to enhance customer interest, what the per customer cost to provide this service was, the future prospects for Green Waste disposal and the level of contaminated materials in the Green Waste stream, all in connection with mutually drafting an appropriate Franchise Agreement amendment and serving an appropriate rate for Green Waste collection as part of the Franchise Agreement. The Franchise Agreement amendment may include a vehicle to changing rates as costs escalate or if the location or cost of disposal should change.
6. If the Program is not sufficiently used to reasonably sustain operations, ERD and the City may agree to terminate the Program early upon giving subscribers thirty days' notice.
7. ERD shall save, keep, hold harmless, defend (with independent attorneys selected by the City) and indemnify the City, its officers, agents, employees, and volunteers from and against any and all claims, damages, costs, fees and liabilities, of every type and nature, which may arise out of ERD's operation of the Program under this Memorandum of Understanding, expressly including, without limitation, any and all liabilities which may arise out of the collection, transportation and disposal of the Green Waste.
8. For purposes of this Memorandum of Understanding, ERD shall constitute an independent contract, not an agent or employee of the City, and ERD shall independent control all aspects of its performance of the work and operation of the Program.

City of Rio Dell, a Municipal Corporation

By: _____

Eel River Disposal Company, Inc.

By: _____

Harry A. Hardin, President

**Memorandum of Understanding Contract Extension between the City of Rio
Dell and the Rio Dell Employees' Association**

July 1, 2014 to June 30, 2015

The City of Rio Dell and the Rio Dell Employees' Association hereby agree as follows:

1. The Memorandum of Understanding (MOU) between the City of Rio Dell and the Rio Dell Employees' Association, which is scheduled to expire on June 30, 2014, shall be extended from July 1, 2014 through June 30, 2015, and the salary ranges listed in existing MOU shall remain in effect.
2. In the event a revenue measure is placed on the November 4, 2014, ballot and is approved by the voters, there shall be an opportunity to reopen the contract for 2014-15 for the purpose of the negotiation of salaries, benefits and terms and conditions of employment between the City of Rio Dell and the Rio Dell Employees' Association, effective on or after January 1, 2015.

Dated: 6-16-2014

City of Rio Dell

By: 

Name: JAMES STRETCH

Dated: June 16, 2014

Rio Dell Employees' Association

By: 

Name:

675 Wildwood Avenue
Rio Dell, Ca 95562
(707) 764-3532



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
June 17, 2014**

TO: Mayor and Members of the City Council
THROUGH: Jim Stretch, City Manager
FROM: Brooke Woodcox, Finance Director
DATE: June 17, 2014
SUBJECT: Gann Appropriations Limits for the year 2014-2015

RECOMMENDATIONS

Adopt Resolution No. 1226 -2014 adopting the Gann Appropriations Limit for the year 2014-2015.

BACKGROUND AND DISCUSSION

Article XIIIB of the California State Constitution, more commonly referred to as the Gann Initiative or Gann Appropriations Limit, was adopted by California voters in 1980 and placed limits on the amount of proceeds of taxes that state and local governmental agencies can appropriate and spend each year.

The limit is different for each agency and changes every year. The limit each year is based on the amount of tax proceeds that were authorized to be spent in Fiscal Year 1978-1979 in each agency and is modified for changes in inflation and population in each subsequent year. Inflationary adjustments are, by law, based on increases in the California per capita income or the increase in non-residential assessed valuation due to new construction. Population adjustments are based on city population growth or county population growth. The annual adjustment factors used in making this calculation are the cost of living adjustment-CPI based on the percentage change in California per capita income and the population adjustment based on the annual population change for the City.

The Appropriations Limit for fiscal year 2014-2015 is \$1,070,863.67. This is the maximum amount of tax proceeds the City will be able to appropriate and spend this fiscal year.

Appropriations Limit Calculation
2014-2015

Prior Years Appropriations Limit	<u>\$ 1,141,842.91</u>
Adjustmentn Factors for the current year	
Population Change	0.9977
Inflation	<u>0.9400</u>
Total Adjustment	0.9378
2014-15 Appropriations Limit	<u><u>\$ 1,070,863.67</u></u>

RESOLUTION NO. 1226-2014

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF RIO DELL
ADOPTING GANN APPROPRIATIONS LIMIT
FOR THE YEAR 2014-2015**

WHEREAS, the voters of the State of California in November 1979 approved Proposition 4, commonly known as the Gann Initiative; and

WHEREAS, the Proposition created Article XIIIB of the California State Constitution placing limits on the amount of revenue which can be spent by all entities of the government within the State; and

WHEREAS, these limits require a municipality to determine an appropriations limit each year in accordance with a formula set forth by state law; and

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Rio Dell hereby adopts the Gann Appropriations limit of \$1,070,863.67 for year 2014-2015.

I HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 17th day of June, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

Karen Dunham, City Clerk

**675 Wildwood Avenue
Rio Dell, CA 95562**



TO: Rio Dell City Council
FROM: Karen Dunham, City Clerk
THROUGH: Jim Stretch City Manager
DATE: June 17, 2014
SUBJECT: Purchase of DocStar Document Management System

RECOMMENDATION

Approve a 60/month lease/purchase agreement for a DocStar Document Management System at the cost of \$193.00/month plus tax, including system software and two (2) DocStar user licenses.

BUDGETARY IMPACT

The monthly expense would be spread among the various funds so the cost to each department would be minimal. City Manager/City Clerk (25%), Finance (20%), Water Fund (10%), Sewer Fund (10%), Streets Fund (5%), Planning (15%) and Building (15%).

BACKGROUND AND DISCUSSION

DocStar is an electronic filing system that stores and retrieves documents which will dramatically improve the efficiency and productivity of the office as well as reduce the expense of copy paper and filing supplies and save hours of staff time it takes to set up and maintain files. The other benefits are that we will be able to eliminate most of the existing file cabinets which will free up much needed space in City Hall and eventually eliminate the need for off-site storage. We are currently paying Sherlock Records Management a base charge of \$85.20/month for the storage of files (213 file boxes @ \$.40/box) which does not include the cost for retrieving or delivering files. Staff is often tasked with retrieving numerous files for public records requests and this system would save hours of staff time for this alone. Also, finance staff recently spent two weeks retrieving documentation required to close out the Wastewater Treatment Plant Project; with DocStar, the documents could be easily accessed and either printed or moved to a folder and forwarded electronically. The benefits of having a document management system are unlimited.

On May 14, 2014, I participated in a DocStar demo presented by Jeff White of CBC along with other agencies at the River Lodge. Initially the thought was that we would be able to connect to the server at the police department and simply purchase two (2) additional user licenses, however; after speaking with Nylex, the City's computer consultants, their recommendation is that the software be installed on the server in the finance department because of certain security levels related to the police department. The DocStar System Software includes a monthly lease payment of \$138.00/month based on a 60 month lease and includes one (1) user license, one (1) year of DocStar Software (additional years are optional at \$269.25/year) and a six (6) month warranty on all parts and labor. The cost for one (1) additional license, which is what staff is recommending, is \$55.00/month for a total monthly charge of \$193.00 plus tax. At the end of six (6) months, a maintenance agreement is available for \$1,195.00/year however; CBS indicated that if we need additional formatting done, they are willing to provide assistance to us free of charge so a maintenance agreement may not be necessary. Initially, we anticipated an additional cost for the purchase of a Kodak i2400 scanner at \$650.00 however; it turns out that the Police Department has an extra scanner that they are willing to provide to City staff for this purpose.

Attachments:

DocStar Information Sheet
CBS Proposal



COASTAL BUSINESS SYSTEMS

Imagine the Possibilities.

DOCUMENT MANAGEMENT SYSTEM PROPOSAL FOR:

City of Rio Dell
675 Wildwood Avenue
Rio Dell CA, 95562

May 21, 2014

CONTENT INFORMATION

DocSTAR SYSTEM SOFTWARE, INSTALLATION AND WARRANTY	2
SYSTEM CAPABILITIES	3
DOCSTAR USER LICENSES AND MAINTENANCE OPTIONS	4

Coastal Business Systems, Inc.

336 First Street
Eureka, Ca 95501
707-445-3095

DocSTAR System Software

- Patented Authentidate function assures authenticity and date-of-creation.
- Built in third party verification by the United States Post Office.
- Multiple users can access the same document at the same time.
- Instantaneous retrieval of documents.
- Reclaim office space, eliminate lost or misplaced files, and reduce the need to store documents.

Includes: Database: SQL Express
 1 DocSTAR User License
 DocStar System Software
 1 Kodak i2400 Scanner
 One Year of DocSTAR Software (Additional years are optional, \$269.25)
 Six Month All Parts and Labor Warranty

Installation and Warranty

Coastal Business Systems, Inc. will provide professional services consisting of the following:

- Evaluation of your existing filing scheme
- Analysis of desired future retrieval needs
- Configuration of security features
- Implementation of template design (rules configuration)
- Key Operator and End user training

DocSTAR System Capabilities

Access Management (Security)

Setting up user logins and restricting access to classified documents requires this module. Users and classifications can be created allowing administrators the ability to keep certain users out of sensitive documents. This module also includes message folders.

Advanced Templates

If users require more than the "Fixed Text" and "User Prompt" actions-for instance, "Drop Down Lists" "OCR", "Barcode", "DataLink", "Transformations", etc. then this is a must have module.

Audit Trail (requires Access Management)

The Audit Trail maintains a record of every time a document is "touched" and by whom. It monitors everything that happens to a document from the time it is scanned to the time it is deleted or purged.

Email

Email allows users to use the convenience of your existing Microsoft Outlook software to send filed documents with the touch of a button.

Annotations

This module offers the perfect solution allowing users to add notes, redact, add pointers, underline, or highlight documents. Annotations are saved as an overlay to the document, therefore never changing the original document.

Investment Options:

DocStar System Software

\$138.00/ month + tax

Monthly lease investment is based on a 60 month, \$1.00 lease-end purchase option. Investment options do not include applicable taxes. The above monthly investment is based on \$5,925.28

DocStar User License

\$ 55.00/month + tax

This software allows the user to search, file and view document in the DocSTAR System.
This monthly lease investment is based on \$2,379.00 per user.

Annual Maintenance Agreement

Option #1

An annual maintenance agreement is an available option at \$1,195.00 per year. This agreement is available after the completion of your initial six (6) month all parts and labor warranty, which is included with the initial investment. **Preventative maintenance is scheduled every 90 days on the host.** This agreement covers all aspects of your DocSTAR System software.

Option #2

Maintenance and support may be purchased on a per hour rate. The current per hour rate is \$140.00.

Option #3

Time Blocks. Reduce the hourly rate by purchasing time blocks. Please see below for these options.

- 10 hours for \$1,100.00
- 20 hours for \$1,900.00
- 30 hours for \$2,400.00

docSTAR™ Packaged Solutions.



Efficiency expert.

docSTAR is an electronic filing system that stores and retrieves paper documents; revolutionizing the way you do business and dramatically improving your efficiency and productivity. With just the push of a button, this remarkable system:

- ★ Instantly and easily finds any document
- ★ Automatically creates backups of your paper files for safe, offsite storage
- ★ Secures sensitive documents from unauthorized access
- ★ Allows multiple users to access the same document at the same time

visit us at www.docstar.com

docSTAR™

Safe. Flexible. Accessible.

Guaranteed Authenticity...

- With docSTAR Authentication, docSTAR time and date stamps every image, creating a "super original" that assures authenticity and date-of-creation at a level impossible for paper documents to achieve.

Flexible Solutions...

- Flexible filing options can be combined or used separately to meet your needs.
- Import software captures documents from most Windows programs — imports and stores image files from digital cameras and copiers, plus files converted from microfilm.
- Handy annotation feature lets you add highlights, sticky notes or other annotations to any document without altering the original.

Safety from Disaster...

- docSTAR's unique two-tier storage system with RAID (Redundant Array of Independent Disks) and optical media, provide unsurpassed safety from disaster.

Bulletproof Privacy Protection...

- You may classify private or sensitive documents to allow access only to authorized users.

Documents on the Road...

- Standard PCs linked on a LAN or WAN can scan, view, fax, print, or email documents stored on a shared docSTAR.
- docSTAR offers the choice of **WebView** and **NetConnect** for accessing your documents over the Internet.
- Export documents for viewing on a notebook or other PC — enabling you to take documents home, on the road, or anywhere you need them.

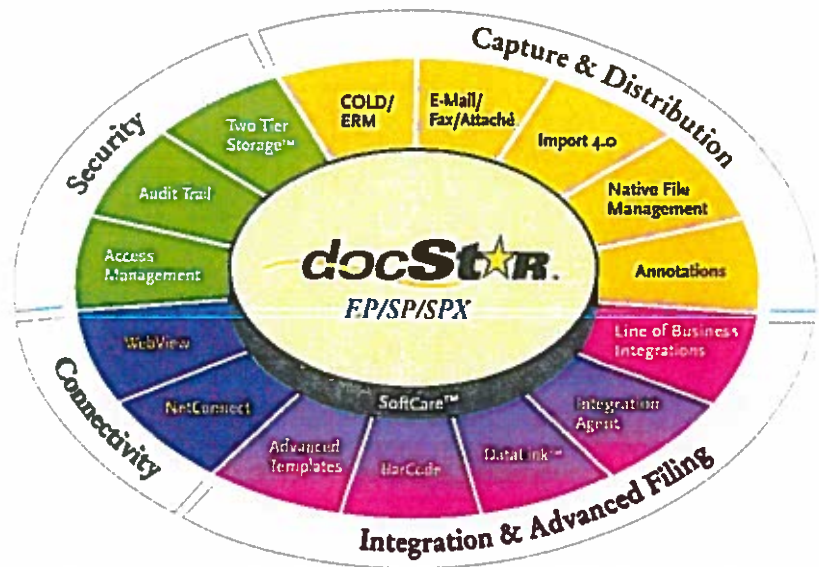
Less work. More profits.

docSTAR bolsters your bottom line by letting you:

- Reclaim office space
- Increase efficiency
- Improve responsiveness to your customers
- Eliminate the chaos of misplaced or lost files
- Access documents instantly and easily from any PC, across a LAN, WAN or via the Internet

Yet what really sets docSTAR apart is its natural fit into your business operations. Your people will want to use docSTAR because it's easy to learn and use.

Plus, it eliminates costly integration woes, so you'll be up and running quickly and painlessly.



Agenda Item 0603.08 – Ogle/Belleview Drainage Award of Bid


The staff report for this item will be presented under separate cover.


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: June 17, 2014

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim  Stretch, City Manager

Date: June 10, 2014

Subject: Establish Residential Multifamily Zoning and General Plan Designations and Rigby Avenue Urban Residential to Residential Multifamily and City Parking Lot Town Center to Public Facility General Plan Amendments and Zone Reclassifications and the establishment of Emergency Shelters/Transitional Housing Regulations.

Recommendation:

That the City Council:

1. Introduce Ordinance No. 321-2014 and Resolution No. 1220-2014 and receive staff's report regarding recommending that the City:
 - A. Establish a Residential Multifamily (RM) Zoning and General Plan Designation; and
 - B. Redesignate approximately 8.7 acres from Urban Residential to Residential Multifamily; and
 - C. Redesignate the downtown City Parking Lot from Town Center to Public Facility; and
 - D. Amend Table 1-1 of the General Plan, Rio Dell Land Use Designation Acreage Distribution, to reflect the above mapping changes; and
 - E. Amend Table 1-2 of the General Plan to include the Residential Multifamily designation; and

F. Amend Section 17.10 of the Rio Dell Municipal Code (RDMC), Definitions, to include Emergency Shelters and Transitional Housing; and

G. Establish Emergency Shelters and Transitional Housing Regulations, Section 17.30.079 of the RDMC

2. Open the public hearing, receive public input and deliberate;
3. Continue consideration, approval and adoption of the proposed Ordinance and Resolution to your meeting of July 1, 2014 for the second reading and adoption.

Discussion

A & B. Urban Residential to Residential Multifamily: The California Department of Housing and Community Development (HCD) recently informed the City that the minimum density for multifamily development is required to be 15 units per acre. The City is required to establish a land use designation allowing up to 15 units per acre prior to the State's approval the updated Housing Element.

Currently the City does not have a residential multifamily land use designation. The Urban Residential designation does allow attached dwelling units (multifamily development) and a density of up to ten (10) units per acre. Land Use Policy LU-14 identifies the development standards for attached dwelling units. Below is a copy of Land Use Policy LU-14:

LU-14. The standards for attached dwelling units shall be designed to maintain Rio Dell's small town atmosphere. These standards shall include:

- *A dwelling unit group may not contain more than four attached units; and*
- *Each dwelling unit must have a ground floor front door that faces a public street; and*
- *Each dwelling unit must have a sidewalk from the public street to the front door that is separate from any driveway; and*
- *Parking for the dwelling unit group should be located at the rear of the building; and*
- *Each dwelling unit should have a covered stoop or porch at the front door.*

At this point staff is not recommending any changes to Land Use Policy LU-14. It should be noted that the parking and covered stoop or porch standards are not required but encouraged. Both these standards include the language "should". The other three (3) standards are required as they include the language "must". Should the Planning Commission desire to discuss and possibly recommend changes to the City Council, it is certainly within your purview. However, it's staff's understanding that the standards in LU-14 were discussed at length at study

Staff is recommending that six (6) parcels along Rigby Avenue and Center Street be redesignated from Urban Residential (UR) to Residential Multifamily (RM). Below is a map identifying those parcels recommended to be redesignated from Urban Residential to Residential Multifamily.



C. City Parking Lot, Town Center to Public Facility: It was recently brought to staff's attention that the downtown City parking lot is currently designated Town Center. All other public lands within the City are designated Public Facility. Below is a copy of the land use description for the Public Facility designation:

The City parking lot is .24 acres. Redesignating the parcel from Town Center to Public Facility requires that Table 1-1 Rio Dell Land Use Designation Acreage Distribution be revised to reflect the change. Currently there is about 25.1 acres designated Public Facility and about 10.7 acres

designated Town Center. The recommended mapping changes will redesignate approximately the .24 acre City parking lot parcel from Town Center to Public Facility. Accordingly, staff recommends that Table 1-1 Rio Dell Land Use Designation Acreage Distribution, be revised to reflect the recommended changes. There are no other amendments necessary to the General Plan to ensure General Plan consistency with the recommended mapping change.

D. Table 1-1 of the General Plan, Rio Dell Land Use Designation Acreage Distribution: In order to ensure the recommended establishment of a Residential Multifamily designation and redesignation of the six (6) parcels are consistent with the General Plan, Tables 1-1 and 1-2 must be amended to accordingly. Table 1-1 of the General Plan, Rio Dell Land Use Designation Acreage Distribution needs to be revised to reflect the changes the mapping changes.

A General Plan Amendment is required for both the mapping changes and the text changes. The City's General Plan and Zoning map designations are consistent with one another and are actually identified on one map.

The General Plan contains the various descriptions of the land use designations. Below is the recommended description of the Residential Multifamily designation:

***Residential Multifamily (RM):** The purpose of the Residential Multifamily or RM zone is to provide land suitable for higher density residential uses.*

Again, **Attachment 1** includes the recommended Zoning development standards for the Residential Multifamily designation. Included in the allowed uses are Transitional Housing and Emergency Shelters. See "Discussion" under Items "F & G".

Based on the recommended mapping amendments, Table 1-1 Rio Dell Land Use Designation Acreage Distribution needs to be revised to reflect the changes. Currently there are 361 acres designated Urban Residential. The recommended mapping changes will redesignate approximately 8.7 acres from Urban Residential to Residential Multifamily. In addition, although the area is insignificant, redesignating the City Parking Lot from Town Center to Public Facility also requires that Table 1-1 be amended to reflect the recommended changes. **Attachment 2** includes Table 1-1 of the General Plan and reflects the recommended changes.

E. Table 1-2 of the General Plan, Rio Dell Land Use Designations: Table 1-2 of the General Plan includes the various land use designations, the permitted uses, minimum lot sizes, required open space, density, floor area ratio and building height. Table 1-2 needs to be amended to include the recommended Residential Multifamily designation, including the permitted uses, minimum lot sizes, required open space, density, floor area ratio and building height. **Attachment 3** includes the recommended development standards for the Residential Multifamily (RM) designation.

F & G. Emergency Shelters and Transitional Housing Definition and Regulations: In January 2008, the State of California enacted Senate Bill 2 (SB 2), which called for changes to

the Government Code as it relates to zoning for emergency homeless shelters and transitional and supportive housing. SB 2 mandates that cities and counties statewide to bring their zoning ordinances into conformance with the new state requirements.

The purpose of the SB 2 revisions was to support the needs of the homeless by removing barriers to and increasing opportunities for development and/or operation of emergency shelters and transitional and supportive housing facilities in California. The revised Government Code (State Law) now requires that:

- 1) All cities and counties must identify one or more specific zones where emergency shelters are principally permitted without the need for a conditional use permit or other discretionary action; and
- 2) Transitional and supportive housing must be explicitly identified as principally permitted residential uses and subject to the same development standards and permitting procedures as traditional residential uses.

As part of the 2010/2011 Housing Element update process, the City adopted a General Plan policy that emergency homeless shelters will be recognized as a principally permitted use in the Town Center zone. The Department of Housing and Community Development (HCD) required this policy as a condition of their certification of the Housing Element. HCD certified the current Housing Element on April 12, 2011. At that time the City informed HCD that the policy would be implemented in December of 2011. An emergency homeless shelter is defined by State law as:

"Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay."

The above definition is taken directly from the State's Health and Safety Code and this is the language that is proposed for the City's Zoning Regulations, Section 17.10 of the Rio Dell Municipal Code.

State law allows local jurisdictions to set the same operational standards for emergency shelters such that apply to residential or commercial development within the same zone except that the City may apply written, objective standards that include all of the items allowed by the State and listed in the Housing Element policy, limited to the following:

- 1) Maximum number of beds
- 2) Off-street parking based upon demonstrated need
- 3) Size and location of shelter
- 4) Proximity to other shelters
- 5) Length of stay
- 6) Security during hours when the shelter is open

These standards allowed by State Law will be incorporated into the proposed Ordinance and are included below:

- a. Distance Separation Requirements. No Emergency Homeless Shelter shall be located within three hundred (300) feet of any other emergency shelter.
- b. Occupancy. An Emergency Shelter shall not exceed twenty-five (25) residents, excluding staff.
- c. Length of Occupancy. Any single resident's stay shall not exceed six consecutive months.
- d. Zone Specific Development Standards. An Emergency Homeless Shelter shall comply with all development standards of the zoning district in which it is located except as modified by these standards.
- e. Parking Requirements. Every Emergency Homeless Shelter shall provide one parking space for every staff member or volunteer on duty and one parking space for every five (5) beds. The Director of Community Development may reduce the parking requirements if the shelter can demonstrate a lower need.
- f. Intake/Waiting Area. There shall be an adequate intake and waiting area inside the building so that prospective and current residents are not required to wait on sidewalks or any other public rights of way.
- g. Screening. An outside waiting and recreation area adequate in size to serve the residents shall be fenced and screened from view.
- h. Individual Space. Each resident shall be provided a minimum of 50 gross square feet of living space (per 2013 California Building Code for the dormitories function of Table 1004.1.1), not including space within common areas.
- i. Security. Security shall be provided on site during hours of operation.
- j. Staffing. On-site management by at least one emergency shelter staff member shall be provided at all times while residents are present at the shelter.
- k. Lighting. Shelter lighting shall be provided on all exterior walls, and shall be directed downward.

The purpose of the recommended standards is to help minimize potential adverse impacts to surrounding property owners. These development, operational, and management standards correspond to the State's allowable range of standards. To protect neighboring land uses, there are certain limitations that have been factored into the proposed operational standards such as prohibiting outside waiting areas and a cap in occupancy. These specific and objective standards are intended to minimize potential impacts. These standards will also provide certainty and flexibility to potential service providers to find a site or sites that meet their needs.

Procedures for Plan Amendments

California Government Code § 65350-65362 contains the following procedural requirements to amend a general plan:

- Prior to action to amend a general plan, the proposed action should be referred to and circulated for 45 days to: the City, County, school districts, LAFCo, regional planning agencies, any federal or state agencies, water providers, and Native American tribes with traditional lands located within the City;
- The Planning Commission shall hold at least one public hearing before approving a recommendation on the amendment;
- The Planning Commission shall make a written recommendation on the amendment;
- Prior to amending the general plan, the City Council shall hold at least one public hearing;
- The City Council shall amend the general plan by resolution, which shall be adopted by not less than a majority of the legislative body;
- City Council may approve, modify, or disapprove the Planning Commission recommendations, however any substantial modifications not previously considered by the Planning Commission shall first be referred to the Planning Commission for its recommendation;
- Copies of the adopted general plan amendment shall be made available for inspection by the public one working day following adoption;
- Within two working days after a request, copies shall be furnished to those so requesting;
- Any specific plan or other plan of the City that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the General Plan;

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.

- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Plan and Zone Amendment Required Findings:

1. The proposed amendments are deemed to be in the public interest.

The State has determined that the City must have a minimum density of up to fifteen (15) units per acre for multifamily developments. State policies and regulations are deemed to be in the public interest. In addition, providing greater densities for multifamily development typically results in a more competitive housing market helping maintain and in fact sometimes reducing housing costs.

Redesignating the City Parking Lot downtown from Town Center to Public Facility is in the public interest, because the Public Facility designation is intended to be applied to City and other government owned lands (i.e. Schools, Utilities, Fire Stations, etc.).

Amending Tables 1-1 and 1-2 of the General Plan is in the public interest because it ensures that the amendments are consistent with other applicable portions of the General Plan.

As required by Senate Bill 2 (SB 2) establishing Emergency Shelters and Transitional Housing regulations has also been deemed by the State to be in the public interest. Furthermore, establishing definitions and performance standards to help minimize potential impacts is also in the public interest.

2. The proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

As previously discussed in order to ensure overall consistency with the General Plan, Tables 1-1 and 1-2 must be amended to reflect the recommended land use changes.

The establishment of Emergency Shelters and Transitional Housing opportunities is consistent with Policies C-1 and C-2 of the Housing element. In addition, item B-4 of the Housing Element's Action Plan requires the City to enact regulations implementing SB 2.

With these recommended changes, staff believes the amendments are consistent with an overall comprehensive view of the General Plan.

3. The potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

There is no evidence to suggest that the proposed amendments would be detrimental to the public health, safety or welfare.

The proposed Urban Residential to Residential Multifamily redesignation will have little if any impact to the parcels and the surrounding properties. Five of the six parcels are already developed and there have been preliminary discussions with a local developer regarding the development of a twenty-six (26) unit senior housing project. Although there is a possibility of an agency establishing an Emergency Shelter/Transitional Housing on the vacant parcel, staff believes the recommended operational standards will minimize potential impacts to the area.

Redesignating the City Parking Lot from Town Center to Public Facility will not result in any on the ground changes. The parcel is currently used as a parking lot and will continue to be used as a parking lot.

The other text amendments to Tables 1-1 and 1-2 of the General Plan are also very minor and there is no evidence or reason to believe that they would be detrimental to the public health, safety or welfare.

4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Urban Residential to Residential Multifamily: All but one of the parcels to be redesignated from Urban Residential (UR) to Residential Multifamily (RM) is developed. Currently development of the vacant parcel is Categorically Exempt pursuant to Section 15332 (In-Fill Development) of the CEQA Guidelines. Based on Section 15332 of the CEQA Guidelines, the proposed amendments are Statutorily Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

Town Center to Public Facility: The property is currently used for a public parking lot and will continue to be used as a public parking lot. There will be no change in the use of the property. Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for

causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA.

Emergency Shelters and Transitional Housing Regulations: Pursuant to State law the use must be principally permitted and as such is considered a ministerial project. Pursuant to Section 15268 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations the project is statutorily exempt. In addition, the development of the vacant parcel is Categorically Exempt pursuant to Section 15332 (In-Fill Development) of the CEQA Guidelines. Based on Sections 15268 and 15332 of the CEQA Guidelines, the proposed amendments are Statutorily Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

Financial Impact

The City is responsible for the costs associated with processing the proposed amendments. The staff time associated with the processing of the amendment is included in the current budget. Therefore, no additional budget costs will be incurred.

Exhibits/Attachments:

Exhibit A. Proposed Urban Residential to Residential Multifamily mapping designations.

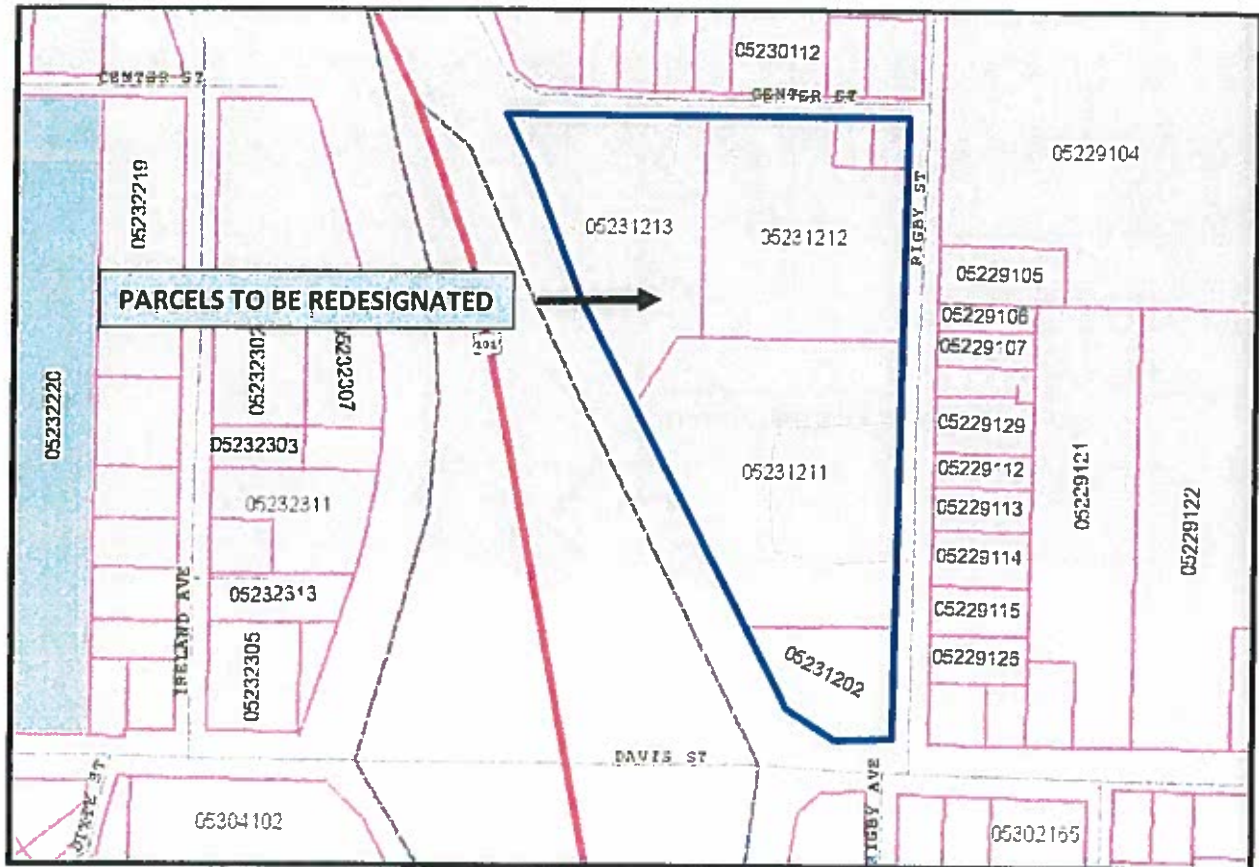
Exhibit B. Proposed Town Center to Public Facilities mapping designation.

Attachment 1. Proposed Residential Multifamily Zoning Development Standards.

Attachment 2. General Plan Table 1-1 Reflecting Recommended Changes.

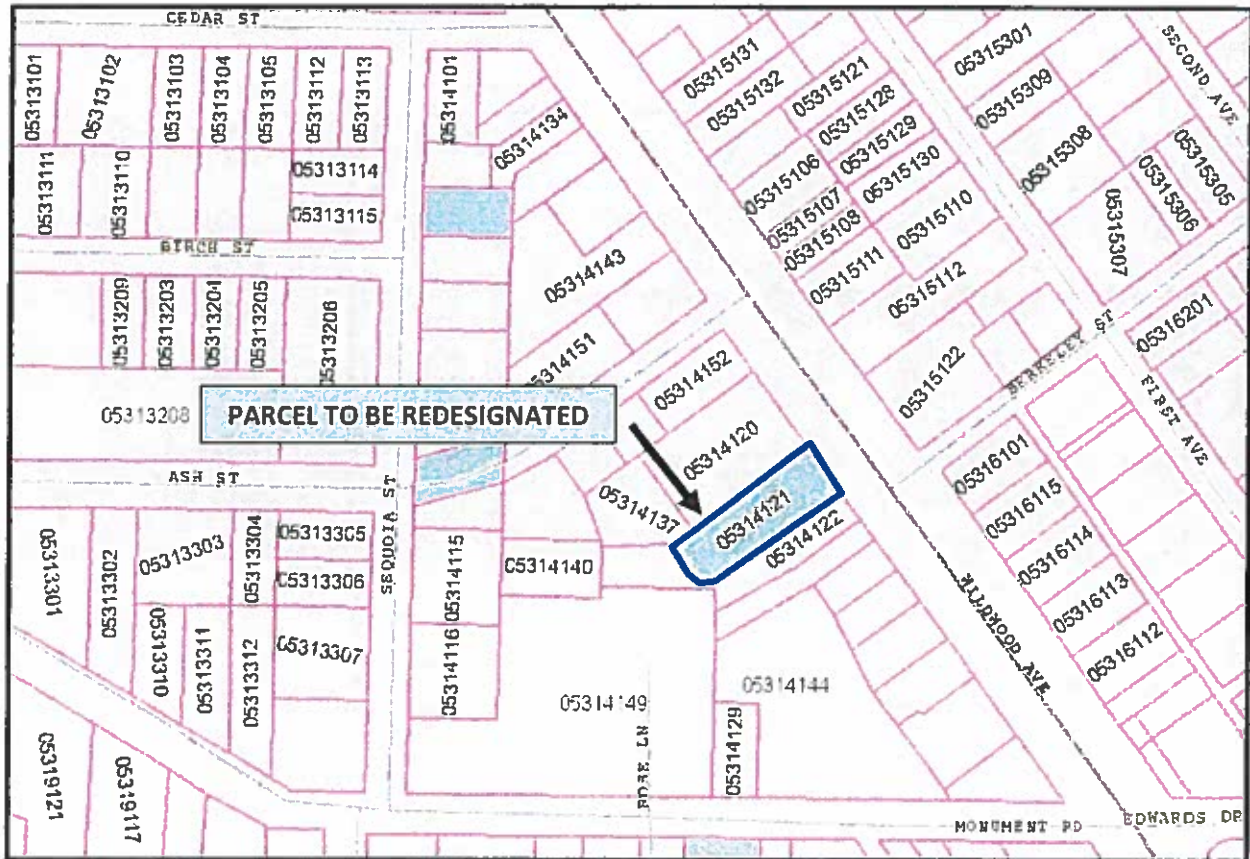
Attachment 3. General Plan Table 1-2 Residential Multifamily Land Use Designation

Attachment 4. Ordinance No. 321-2014 and Resolution No. 1220-2014 implementing the recommended changes.



2014 Quarterly General Plan Amendments and Zone Reclassifications
Urban Residential to residential Multifamily

Urban Residential to Residential Multifamily



2014 Quarterly General Plan Amendments and Zone Reclassifications
City Parking Lot from Town Center to Public Facility
APN 053-141-021



17.20.035 Residential Multifamily or RM zone.

The purpose of the Residential Multifamily or RM zone is to provide land suitable for higher density residential uses. The following regulations shall apply in all Residential Multifamily or RM zones:

(1) Principal Permitted Uses.

- (a) Detached single-family dwellings, multiple dwellings and dwelling groups;
- (b) Community Care Facility for six (6) or fewer individuals;
- (c) Family Day Care Home for twelve (12) or fewer children, including children who reside at the residence;
- (d) Emergency Shelters/Transitional Housing subject to the operational standards in Section 17.30.079;

(2) Uses Permitted with a Use Permit.

- (a) Mobilehome and Recreational Vehicle Parks;
 - (b) Community Care Facility for seven (7) or more individuals;
 - (c) Family Day Care Home for twelve (13) or more children, including children who reside at the residence;
 - (d) Public and private non-commercial recreation facilities;
 - (e) Churches, civic and cultural uses
 - (f) Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone
- (3) Other Regulations. See Table 17.20.140 for development standards for the Residential Multifamily (RM) zone.

Table 17.20.035
Development Standards for the Residential Multifamily or RM Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	6,000 square feet, but not less than 600 square feet for each dwelling unit
Maximum Ground Coverage:	60%
Minimum Lot Width:	60 feet
Minimum Yards	
Front:	20 feet

Rear:	10 feet
Side:	5 feet
Exterior Side:	Same as the front or one-half (1/2) the front if all parts of the main building(s) are more than twenty-five (25) feet from the rear lot line and the exterior side yard does not abut a collector or higher order street. (In questionable cases the Public Works Director shall classify the subject street.)
Double Frontage Lots	Front and rear twenty (20) feet, except the rear yard setbacks may be reduced to ten (10) feet where such yard abuts an alley.
Special Yards for Multiple Dwellings on the Same Lot	<ul style="list-style-type: none"> ♦ The distance between separate dwelling units in a group on the same lot shall be not less than ten feet (10'). ♦ The distance between the front of any dwelling unit in the group and any other building shall be not less than twenty feet (20'). ♦ The distance between the front of any dwelling unit in the group and any side lot line shall be not less than twelve feet (12'). ♦ All of the above distances shall be increased by two feet (2') for each two feet (2') that any building on the lot exceeds two (2) stories.
Maximum Building Height:	45 feet
All new multifamily development is subject to the City's Design Review regulations, Section 17.25.050	<p>The following Design Concepts apply to the review of residential multi-family development. The City encourages:</p> <ul style="list-style-type: none"> ♦ Mass, scale and architecture which is compatible with existing and adjacent neighborhoods. The intent is to encourage appropriate transitions between uses and structures of varying residential density and a general compatibility of architectural styles. ♦ Original designs that are tailored to the site and discourage monotonous or institutional type buildings and site design. ♦ Site designs that preserve, enhance and incorporate the significant natural features of a site as an element within the overall design. ♦ High quality building designs that consist of durable and maintainable materials for the exterior treatment of the buildings that complement the building mass and articulation. ♦ The establishment of a streetscape presence and appearance through setbacks, landscaping, building placement, and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along a sidewalk, street or trail. ♦ Landscaping that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street and pedestrian walkways. ♦ Ensure that design provisions do not preclude the development of multifamily housing affordable to all income levels.



**City of Rio Dell General Plan
Table 1-1 Rio Dell Land Use Designation Acreage Distribution**

Land Use Designation		City		SOI		Total	
		Acreage	%	Acreage	%	Acreage	%
R	Rural	334.0	21.2%	160	100%	494.0	28.6%
SL	Suburban Low	250.9	16.3%	0	0.0%	250.9	14.6%
SM	Suburban Medium	0	0.0%	0	0.0%	0	0.0%
SR	Suburban Residential	6.0	0.3%	0	0.0%	6.0	0.3%
UR	Urban Residential	361.0	22.8%	0	0.0%	361.0	21.0%
		352.3	22.3%			352.3	20.2%
RM	Residential Multifamily	8.7	.005%			8.7	.005%
TC	Town Center	10.7	0.8%	0	0.0%	10.7	0.6%
		10.5				10.5	
NC	Neighborhood Commercial	6.0	0.3%	0	0.0%	6.0	0.3%
CC	Community Commercial	33.0	2.1%	0	0.0%	33.0	1.9%
I	Industrial	0	0.0%	0	0.0%	0	0.0%
IC	Industrial Commercial	95.0	6.0%	0	0.0%	95.0	5.5%
NR	Natural Resources	183.0	11.6%	0	0.0%	183.0	10.5%
PF	Public Facility	25.1	1.6%	0	0.0%	25.1	1.4%
		24.9				24.9	
	Road Rights of Way/River	266.0	16.8%	0	0.0%	266.0	15.3%
Totals:		1578.9	100%	160	100%	1738.9	100%

**2014 Quarterly General Plan Amendments and Zone Reclassifications
8.7 Acres Urban Residential to Residential Multifamily
.24 Acres City Parking Lot from Town Center to Public Facility**



**City of Rio Dell General Plan
Table 1-2 General Plan Land Use Designations
Residential Multifamily (RM) Designation**

Permitted Uses	Minimum Lot Size	Open Space	Density/ FAR*	Building Height
<p>Detached single-family dwellings, multiple dwellings and dwelling groups;</p> <p>Community Care Facility for six (6) or fewer individuals;</p> <p>Family Day Care Home for twelve (12) or fewer children, including children who reside at the residence;</p> <p>Transitional housing and emergency shelters, subject to the operational standards in Section 17.30.079.</p> <p>Mobilehome and Recreational Vehicle Parks;</p> <p>Community Care Facility for seven (7) or more individuals;</p> <p>Family Day Care Home for twelve (13) or more children, including children who reside at the residence;</p> <p>Public and private non-commercial recreation facilities;</p> <p>Churches, civic and cultural uses.</p> <p>Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone.</p>	6,000 square feet average	50%	15 units per acre	Maximum 3 stories or 45 feet

ORDINANCE NO. 321 – 2014



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL (1) ESTABLISHING A RESIDENTIAL MULTIFAMILY ZONING DESIGNATION, SECTION 17.20.035 OF THE RIO DELL MUNICIPAL CODE; (2) A ZONE RECLASSIFICATION REDESIGNATING APPROXIMATELY 8.7 ACRES FROM URBAN RESIDENTIAL TO RESIDENTIAL MULTIFAMILY; (3) A ZONE RECLASSIFICATION REDESIGNATING THE DOWNTOWN CITY PARKING LOT FROM TOWN CENTER TO PUBLIC FACILITY; (4) ESTABLISHING EMERGENCY SHELTERS/TRANSITIONAL HOUSING REGULATIONS, SECTION 17.30.079 OF THE RIO DELL MUNICIPAL CODE; (5) AMENDING SECTION 17.10 OF THE RIO DELL MUNICIPAL CODE, DEFINITIONS TO INCLUDE EMERGENCY SHELTERS/TRANSITIONAL HOUSING.

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS the California Department of Housing and Community Development (HCD) recently informed the City that the minimum density for multifamily development is required to be 15 units per acre; and

WHEREAS the City is required to establish a land use designation allowing up to 15 units per acre prior to the State's approval the updated Housing Element; and

WHEREAS the City does not currently have a residential multifamily land use designation; and

WHEREAS the Urban Residential designation does allow attached dwelling units (multifamily development) and a density of up to ten (10) units per acre; and

WHEREAS the Planning Commission recommended that six (6) parcels along Rigby Avenue and Center Street be redesignated from Urban Residential (UR) to Residential Multifamily (RM); and

WHEREAS the purpose of the Residential Multifamily or RM zone is to provide land suitable for higher density residential uses; and

WHEREAS the Planning Commission recommended that the Residential Multifamily designation allow a density of up to fifteen (15) units per acre; and

WHEREAS in order to ensure the recommended establishment of a Residential Multifamily designation and redesignation of the six (6) parcels are consistent with the General Plan, Tables 1-1 and 1-2 must be amended to accordingly; and

WHEREAS it was recently brought to staff's attention that the downtown City parking lot is currently designated Town Center; and

WHEREAS all other public lands within the City are designated Public Facility; and

WHEREAS the Planning Commission recommended that the City parking lot be redesignated to Public Facility; and

WHEREAS in order to ensure the recommended redesignation of the City parking lot from Town Center to Public Facility is consistent with the General Plan, Table 1-1 must also be amended; and

WHEREAS in January 2008 the State of California enacted Senate Bill 2 (SB 2), which called for changes to the Government Code as it relates to zoning for emergency homeless shelters and transitional and supportive housing; and

WHEREAS SB 2 mandates that cities and counties statewide to bring their zoning ordinances into conformance with the new state requirements; and

WHEREAS the purpose of the SB 2 revisions was to support the needs of the homeless by removing barriers to and increasing opportunities for development and/or operation of emergency shelters and transitional and supportive housing facilities in California; and

WHEREAS all cities and counties must identify one or more specific zones where emergency shelters are principally permitted without the need for a conditional use permit or other discretionary action; and

WHEREAS transitional and supportive housing must be explicitly identified as principally permitted residential uses and subject to the same development standards and permitting procedures as traditional residential uses

WHEREAS the Planning Commission recommended that emergency homeless shelters and transitional and supportive housing be principally permitted in the residential Multifamily zone; and

WHEREAS State law allows local jurisdictions to set the same operational standards for emergency shelters such that apply to residential or commercial development within the same zone except that the City may apply written, objective standards that include all of the items allowed by the State and listed in the Housing Element policy; and

WHEREAS the purpose of the recommended operational standards is to help minimize potential adverse impacts to surrounding property owners; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are in the public interest, are consistent and compatible with the General Plan and any implementation programs that may be affected, are not detrimental to the public health, safety and welfare; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

Establishment of Section 17.20.035 Residential Multifamily or RM Zone

The purpose of the Residential Multifamily or RM zone is to provide land suitable for higher density residential uses. The following regulations shall apply in all Residential Multifamily or RM zones:

(1) Principal Permitted Uses.

- (a) Detached single-family dwellings, multiple dwellings and dwelling groups;
- (b) Community Care Facility for six (6) or fewer individuals;
- (c) Family Day Care Home for twelve (12) or fewer children, including children who reside at the residence;
- (d) Transitional housing and emergency shelters subject to the operational standards in Section 17.30.079;

(2) Uses Permitted with a Use Permit.

- (a) Mobilehome and Recreational Vehicle Parks;
- (b) Community Care Facility for seven (7) or more individuals;

(c) Family Day Care Home for twelve (13) or more children, including children who reside at the residence;

(d) Public and private non-commercial recreation facilities;

(e) Churches, civic and cultural uses

(f) Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone

(3) Other Regulations. See Table 17.20.140 for development standards for the Residential Multifamily (RM) zone.

Table 17.20.035
Development Standards for the Residential Multifamily or RM Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	6,000 square feet, but not less than 600 square feet for each dwelling unit
Maximum Ground Coverage:	60%
Minimum Lot Width:	60 feet
Minimum Yards	
Front:	20 feet
Rear:	10 feet
Side:	5 feet
Exterior Side:	Same as the front or one-half (1/2) the front if all parts of the main building(s) are more than twenty-five (25) feet from the rear lot line and the exterior side yard does not abut a collector or higher order street. (In questionable cases the Public Works Director shall classify the subject street.)
Double Frontage Lots	Front and rear twenty (20) feet, except the rear yard setbacks may be reduced to ten (10) feet where such yard abuts an alley.
Special Yards for Multiple Dwellings on the Same Lot	<ul style="list-style-type: none">♦ The distance between separate dwelling units in a group on the same lot shall be not less than ten feet (10').♦ The distance between the front of any dwelling unit in the group and any other building shall be not less than twenty feet (20').♦ The distance between the front of any dwelling unit in the group and any side lot line shall be not less than twelve feet (12').♦ All of the above distances shall be increased by two feet (2') for each two feet (2') that any building on the lot exceeds two (2)

	stories.
Maximum Building Height:	45 feet
All new multifamily development is subject to the City's Design Review regulations, Section 17.25.050	<p>The following Design Concepts apply to the review of residential multi-family development. The City encourages:</p> <ul style="list-style-type: none"> ♦ Mass, scale and architecture which is compatible with existing and adjacent neighborhoods. The intent is to encourage appropriate transitions between uses and structures of varying residential density and a general compatibility of architectural styles. ♦ Original designs that are tailored to the site and discourage monotonous or institutional type buildings and site design. ♦ Site designs that preserve, enhance and incorporate the significant natural features of a site as an element within the overall design. ♦ High quality building designs that consist of durable and maintainable materials for the exterior treatment of the buildings that complement the building mass and articulation. ♦ The establishment of a streetscape presence and appearance through setbacks, landscaping, building placement, and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along a sidewalk, street or trail. ♦ Landscaping that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street and pedestrian walkways. ♦ Ensure that design provisions do not preclude the development of multifamily housing affordable to all income levels.

Section 2.

Zoning Map Amendments

Section 17.15.030 (Zoning Map) of the Rio Dell Municipal Code is hereby amended to redesignate Assessor Parcel Numbers (APN's) 052-312-002, -004, -005, -011, -012 & -013 as shown in Exhibit A from Urban Residential to Residential Multifamily.

Section 17.15.030 (Zoning Map) of the Rio Dell Municipal Code is hereby amended to redesignate Assessor Parcel Numbers (APN) 053-141-021 as shown in Exhibit B from Town Center to Public Facility.

Section 3. Establishment of Section 17.30.079 Emergency Shelter/Transitional Housing Regulations

1. Purpose

It is the purpose of this section to prescribe standards and regulations for the establishment and ongoing operation of emergency homeless shelters/transitional housing to protect the public health and safety from conflicting uses and to ensure that shelters provide appropriate services to the homeless.

2. Permit Requirements

The following prescribes the permit requirements for emergency shelter/transitional housing.

(a) An emergency homeless shelter/transitional housing that meet the standards of subsection 3 of this section is exempt from a Conditional Use Permit. A conditional use permit may be granted from the planning commission for deviations to the development and management standards. The Planning Commission must make findings for use permits pursuant to Section 17.35.030 of the Rio Dell Municipal Code (RDMC)

3. Development Standards.

(a) Prior to commencing operation, the emergency shelter/transitional housing shall comply with the following standards:

(b) Distance Separation Requirements. No emergency shelter/transitional housing shall be located within three hundred (300) feet of any other emergency shelter.

(c) Occupancy. An emergency shelter/transitional housing shall not exceed twenty-five (25) residents, excluding staff.

(d) Length of Occupancy. Any single resident's stay shall not exceed six consecutive months.

(e) Zone Specific Development Standards. An emergency shelter/transitional housing shall comply with all development standards of the zoning district in which it is located except as modified by these standards.

(f) Parking Requirements. Every emergency shelter/transitional housing shall provide one parking space for every staff member or volunteer on duty and one parking space for every five (5) beds. The Director of Community Development may reduce the parking requirements if the shelter can demonstrate a lower need.

(g) Intake/Waiting Area. There shall be an adequate intake and waiting area inside the building so that prospective and current residents are not required to wait on sidewalks or any other public rights of way.

(h) Screening. An outside waiting and recreation area adequate in size to serve the residents shall be fenced and screened from view.

(i) Individual Space. Each resident shall be provided a minimum of 50 gross square feet of living space (per 2013 California Building Code for the dormitories function of Table 1004.1.1), not including space within common areas.

(j) Security. Security shall be provided on site during hours of operation.

(k) Staffing. On-site management by at least one emergency shelter staff member shall be provided at all times while residents are present at the shelter.

(l) Lighting. Shelter lighting shall be provided on all exterior walls, and shall be directed downward.

4. Management

Prior to commencing operation, the emergency shelter/transitional housing provider must have a written management plan, approved by the community development director, confirming that the following items (at a minimum) are provided for:

(a) Staff training;

(b) Staff TB screening in compliance with Humboldt County Health Department standards;

(c) Resident identification process;

(d) Neighborhood outreach;

(e) Policies regarding pets;

(f) The timing and placement of outdoor activities;

(g) Temporary storage of residents' personal belongings;

(h) Safety and security.

Section 4 Establishment of the definition of Emergency Shelter/Transitional Housing

Section 17.10.010, Definitions, of the Rio Dell Municipal Code is hereby amended to include the following definition:

"Emergency Shelter/Transitional Housing" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Section 5 Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 6. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 7. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on June 17, 2014 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the July 1, 2014 by the following vote:

AYES:

NOES:

ABSENT:

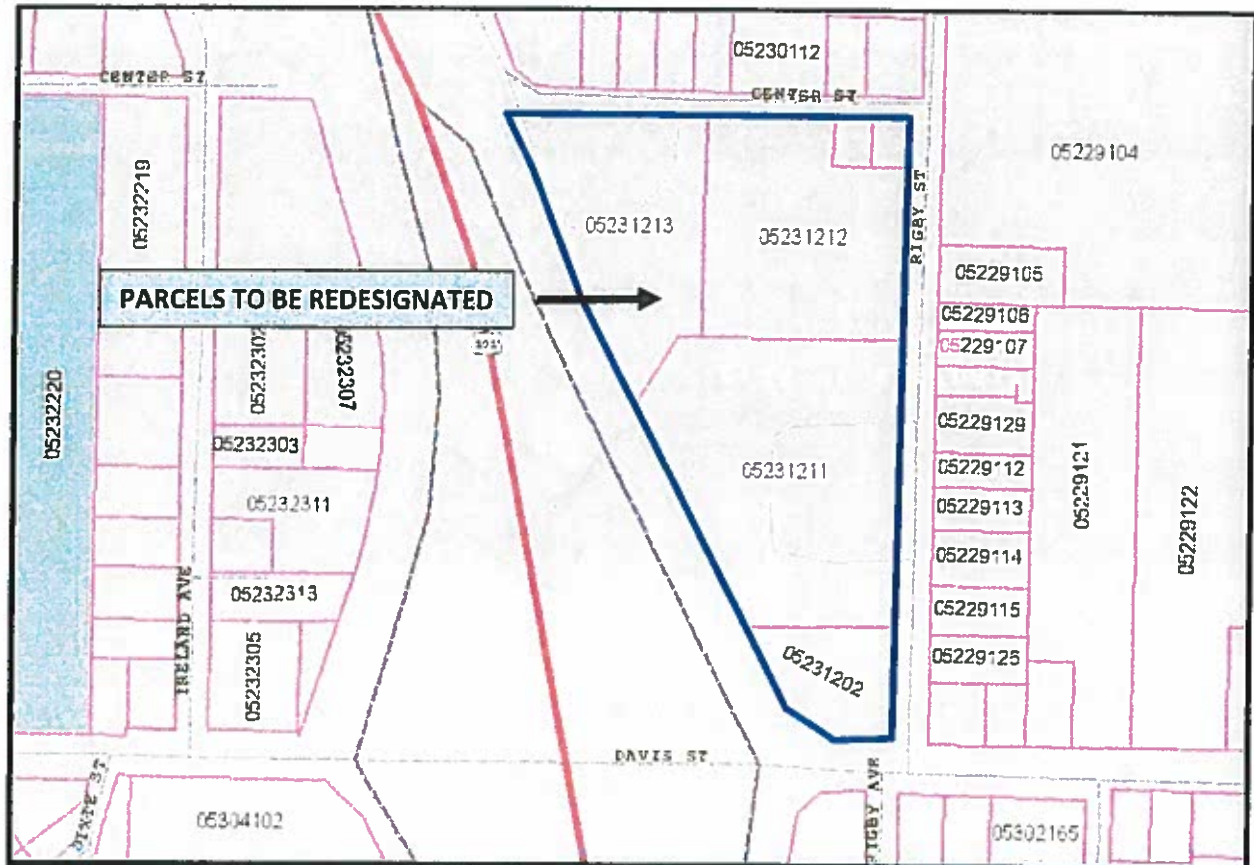
ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 321-2014 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the July 1, 2014.

Karen Dunham, City Clerk, City of Rio Dell



2014 Quarterly General Plan Amendments and Zone Reclassifications
Urban Residential to residential Multifamily

RESOLUTION NO. 1220 – 2014



RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL (1) A GENERAL PLAN ESTABLISHING A RESIDENTIAL MULTIFAMILY GENERAL PLAN DESIGNATION; (2) A GENERAL PLAN AMENDMENT REDESIGNATING APPROXIMATELY 8.7 ACRES FROM URBAN RESIDENTIAL TO RESIDENTIAL MULTIFAMILY; (3) A GENERAL PLAN AMENDMENT REDESIGNATING THE DOWNTOWN CITY PARKING LOT FROM TOWN CENTER TO PUBLIC FACILITY; (4) A GENERAL PLAN AMENDMENT AMENDING TABLE 1-1 OF THE GENERAL PLAN, RIO DELL LAND USE DESIGNATION ACREAGE DISTRIBUTION, TO REFLECT THE MAPPING CHANGES; (5) A GENERAL PLAN AMENDMENT AMENDING TABLE 1-2 OF THE GENERAL PLAN TO INCLUDE THE RESIDENTIAL MULTIFAMILY DESIGNATION:

WHEREAS the California Department of Housing and Community Development (HCD) recently informed the City that the minimum density for multifamily development is required to be 15 units per acre; and

WHEREAS the City is required to establish a land use designation allowing up to 15 units per acre prior to the State's approval the updated Housing Element; and

WHEREAS the City does not currently have a residential multifamily land use designation; and

WHEREAS the Urban Residential designation does allow attached dwelling units (multifamily development) and a density of up to ten (10) units per acre; and

WHEREAS the Planning Commission recommended that six (6) parcels along Rigby Avenue and Center Street be redesignated from Urban Residential (UR) to Residential Multifamily (RM); and

WHEREAS the purpose of the Residential Multifamily or RM zone is to provide land suitable for higher density residential uses; and

WHEREAS the Planning Commission recommended that the Residential Multifamily designation allow a density of up to fifteen (15) units per acre; and

WHEREAS in order to ensure the recommended establishment of a Residential Multifamily designation and redesignation of the six (6) parcels are consistent with the General Plan, Tables 1-1 and 1-2 must be amended to accordingly; and

WHEREAS it was recently brought to staff's attention that the downtown City parking lot is currently designated Town Center; and

WHEREAS all other public lands within the City are designated Public Facility; and

WHEREAS the Planning Commission recommended that the City parking lot be redesignated to Public Facility; and

WHEREAS in order to ensure the recommended redesignation of the City parking lot from Town Center to Public Facility is consistent with the General Plan, Table 1-1 must also be amended; and

WHEREAS in January 2008 the State of California enacted Senate Bill 2 (SB 2), which called for changes to the Government Code as it relates to zoning for emergency homeless shelters and transitional and supportive housing; and

WHEREAS SB 2 mandates that cities and counties statewide to bring their zoning ordinances into conformance with the new state requirements; and

WHEREAS the purpose of the SB 2 revisions was to support the needs of the homeless by removing barriers to and increasing opportunities for development and/or operation of emergency shelters and transitional and supportive housing facilities in California; and

WHEREAS all cities and counties must identify one or more specific zones where emergency shelters are principally permitted without the need for a conditional use permit or other discretionary action; and

WHEREAS transitional and supportive housing must be explicitly identified as principally permitted residential uses and subject to the same development standards and permitting procedures as traditional residential uses

WHEREAS the Planning Commission recommended that emergency homeless shelters and transitional and supportive housing be principally permitted in the residential Multifamily zone; and

WHEREAS State law allows local jurisdictions to set the same operational standards for emergency shelters such that apply to residential or commercial development within the same zone except that the City may apply written, objective standards that include all of the items allowed by the State and listed in the Housing Element policy; and

WHEREAS the purpose of the recommended operational standards is to help minimize potential adverse impacts to surrounding property owners; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are in the public interest, are consistent and compatible with the General Plan and any implementation programs that may be affected, are not detrimental to the public health, safety and welfare; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell finds that:

1. The proposed amendments are in the public interest; and
2. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
3. The proposed amendments are not detrimental to the public health, safety and welfare; and
4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA)

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City of the City of Rio Dell approves the following General Plan Amendments to:

1. Establish a Residential Multifamily (RM) General Plan Land Use Designation; and
2. Redesignate approximately 8.7 acres from Urban Residential to Residential Multifamily as shown in Exhibit A; and
3. Redesignate the downtown City Parking Lot from Town Center to Public Facility as shown in Exhibit B; and
4. Amend Table 1-1 of the General Plan as shown in Exhibit C, Rio Dell Land Use Designation Acreage Distribution, to reflect the above mapping changes; and

5. Amend Table 1-2 of the General Plan as shown in Exhibit D to include the Residential Multifamily designation; and

6. Find that the proposed amendments are Statutorily Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the City Council of the City of Rio Dell on July 1, 2014 by the following vote:

AYES:

NOES:

ABSENT:

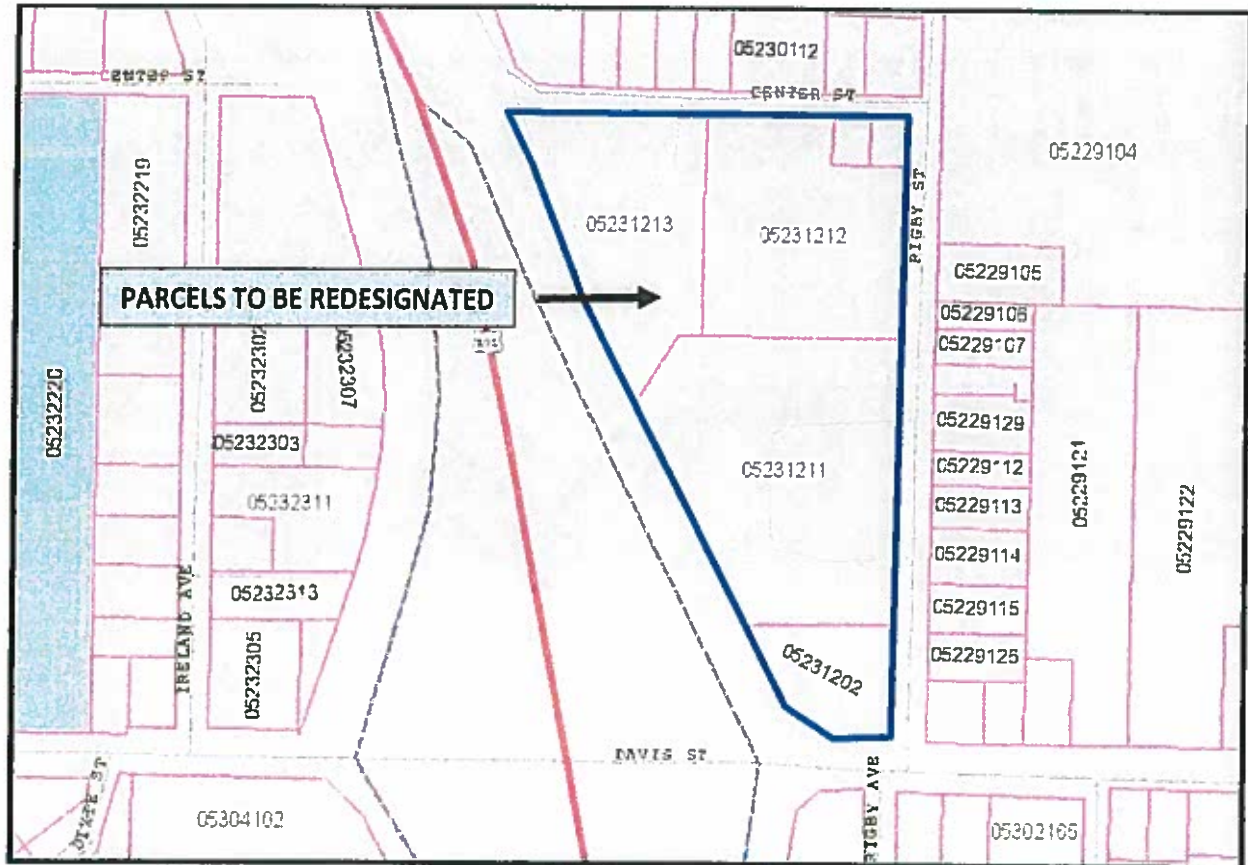
ABSTAIN:

Jack Thompson, Mayor

ATTEST:

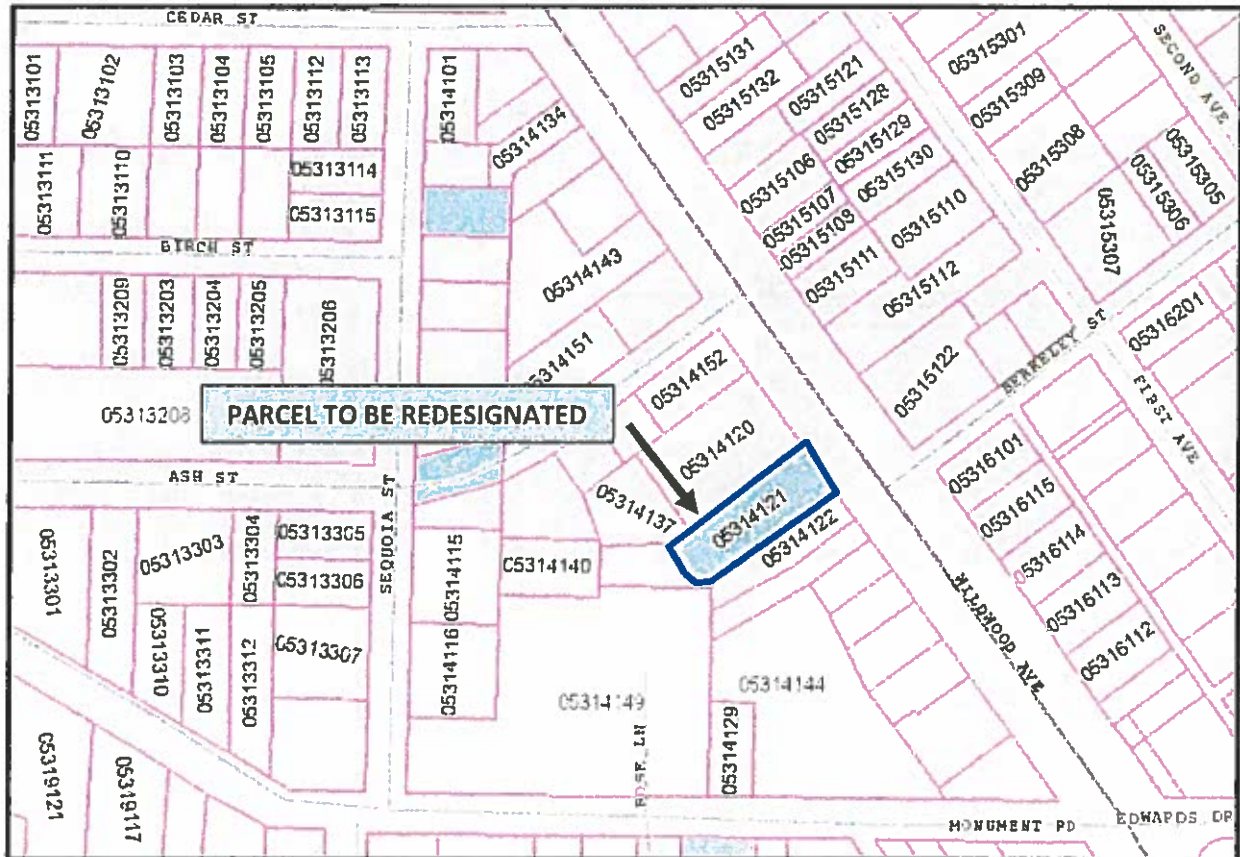
I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. 1220-2014 adopted by the City Council of the City of Rio Dell on July 1, 2014.

Karen Dunham, City Clerk, City of Rio Dell



2014 Quarterly General Plan Amendments and Zone Reclassifications
Urban Residential to Residential Multifamily

Urban Residential to Residential Multifamily



2014 Quarterly General Plan Amendments and Zone Reclassifications
City Parking Lot from Town Center to Public Facility
APN 053-141-021



City of Rio Dell General Plan

Table 1-1 Rio Dell Land Use Designation Acreage Distribution

Land Use Designation		City		SOI		Total	
		Acreage	%	Acreage	%	Acreage	%
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PF	Public Facility	25.1	1.6%	0	0.0%	25.1	1.4%
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2014 Quarterly General Plan Amendments and Zone Reclassifications

8.7 Acres Urban Residential to Residential Multifamily

.24 Acres City Parking Lot from Town Center to Public Facility



**City of Rio Dell General Plan
Table 1-2 General Plan Land Use Designations
Residential Multifamily (RM) Designation**

Permitted Uses	Minimum Lot Size	Open Space	Density/ FAR*	Building Height
<p>Detached single-family dwellings, multiple dwellings and dwelling groups;</p> <p>Community Care Facility for six (6) or fewer individuals;</p> <p>Family Day Care Home for twelve (12) or fewer children, including children who reside at the residence;</p> <p>Transitional housing and emergency shelters, subject to the operational standards in Section 17.30.079.</p> <p>Mobilehome and Recreational Vehicle Parks;</p> <p>Community Care Facility for seven (7) or more individuals;</p> <p>Family Day Care Home for twelve (13) or more children, including children who reside at the residence;</p> <p>Public and private non-commercial recreation facilities;</p> <p>Churches, civic and cultural uses.</p> <p>Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone.</p>	6,000 square feet average	50%	15 units per acre	Maximum 3 stories or 45 feet